

Revisiting Human Responsibilities: Prospects and Challenges

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Declaration

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“‘I have the right to do anything’, you say, but not everything is beneficial.
‘I have the right to do anything’, but not everything is constructive.”

1 Corinthians 10:23 (New International Version Bible)

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Abstract

Since the drafting of the Universal Declaration of Human Rights (UDHR) (1948), the extent to which individuals should bear responsibilities for the fulfilment of universal human rights has been a contentiously debated subject. Despite conflicting value-based claims, the approach of international human rights law traditionally has been to recognise states as primary obligation bearers. While the UDHR focuses primarily on state obligations, deliberately unspecified duties of individuals are included under Article 29(1). The meaning of these duties has remained contested, often by relativist critics claiming that a stronger focus on responsibilities would provide a more balanced approach to human rights. The end of the Cold War brought a renewed interest in the normative potential of human rights and a parallel renewal of relativist objections to the universality of the UDHR. In this context transnational campaigns have emerged to advocate for a universal declaration of human responsibilities complementary to the UDHR. The issue has received attention from a number of initiatives, including those of United Nations bodies and agencies and of nongovernmental organisations. The most prominent of these initiatives have received firm opposition from influential Western state and non-state actors. Approaching the topic from a constructivist perspective, this dissertation draws on the social movement literature on the international political opportunity structure to argue that the activities of opponents to human responsibilities initiatives, particularly their framing of human responsibilities as having the potential to undermine and weaken the international human rights framework, have constrained the political opportunities available to human responsibilities campaigns.

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List of Abbreviations

| | |
|--------|---|
| ADRDM | American Declaration of the Rights and Duties of Man |
| AHRD | Association of Southeast Asian Nations Human Rights Declaration |
| AI | Amnesty International |
| ASEAN | Association of Southeast Asian Nations |
| CR | Club of Rome |
| CW | Cold War |
| DHRD | United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) |
| DHSR | Pre-Draft Declaration on Human Social Responsibilities |
| ECOSOC | United Nations Economic and Social Council |
| EU | European Union |
| FRG | Federal Republic of Germany |
| HRW | Human Rights Watch |
| IAC | InterAction Council |
| IBR | International Bill of Rights |
| ICC | International Criminal Court |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICHHD | International Council of Human Duties |
| ICHRP | International Council on Human Rights Policy |
| ICJ | International Commission of Jurists |
| IGO | Intergovernmental Organisation |
| LMG | Like-Minded Group |

| | |
|--------|--|
| MP | Member of Parliament |
| NGO | Nongovernmental Organisation |
| NRTC | Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights |
| OHCHR | United Nations Office of the High Commissioner for Human Rights |
| PM | Prime Minister |
| PWR | Parliament of the World's Religions |
| SAHRDC | South Asian Human Rights Documentation Centre |
| UDHR | Universal Declaration of Human Rights |
| UK | United Kingdom of Great Britain and Northern Ireland |
| UN | United Nations Organisation |
| UNCHR | United Nations Commission on Human Rights |
| UNESCO | United Nations Educational, Scientific and Cultural Organisation |
| UNHCHR | United Nations High Commissioner for Human Rights |
| UNHRC | United Nations Human Rights Council |
| UNGA | United Nations General Assembly |
| UNSG | United Nations Secretary-General |
| UNSR | United Nations Special Rapporteur |
| US | United States of America |
| VCLT | Vienna Convention on the Law of Treaties |
| VDPA | Vienna Declaration and Programme of Action |
| VWCHR | Vienna World Conference on Human Rights |
| WFPC | World Freedom Press Committee |
| WWII | Second World War |

Chapter 1

Introduction

1.1. Overview

Since the drafting of the Universal Declaration of Human Rights (UDHR) (1948), the extent to which individuals should bear responsibilities for the fulfilment of universal human rights has been the subject of contentious debate (Knox, 2008:1; UNESCO, 1948). During the drafting process by a committee of the United Nations (UN), the global discussion on the interrelated rights and duties of individuals revealed that some cultural traditions reflect a dominant emphasis on human rights, while others underline the significance of individuals' duties (UNESCO, 1948). This reality, also, was reflected in the drafting by the Organisation of American States of the 'American Declaration of the Rights and Duties of Man' (ADRDM) (1948), the earliest generic international human rights standard, which was adopted almost eight months prior to the adoption by the UN General Assembly (UNGA) of the UDHR (Knox, 2008:4; McCrudden, 2008:666; OAS, 1948; UNCHR, 2001:10, 2003b:13).

Nevertheless, as the central 'approach' of the UDHR has remained to 'define' individuals' rights and to render the 'fulfilment' of their rights an obligation of governments, a governmental 'obligation', rather than a duty of an individual, is attached to each human right (Hammarberg, 1999:i). The focus on states as the primary duty-bearers was a result of the context in which the UDHR was drafted, and this reality is fundamental for an understanding of the entire human rights framework that began with the introduction of the UDHR (Hammarberg, 1999:i). Indeed, in the aftermath of mass atrocities committed during the Second World War (WWII), the focus was on protecting citizens from governments (Hammarberg, 1999:i). Earlier human rights-related transnational advocacy efforts, also, traditionally, have focused on limiting governmental power. Even the efforts of the late British Member of Parliament (MP) William Wilberforce (1759–1833) in the early 1800s to protect the human rights of slaves, by abolishing the slave trade and, then, slavery, were directed at limiting governmental power, rather than that of individuals.

During the drafting of the UDHR, it was argued, nonetheless, that, even though states were to be the primary duty-bearers, the issue of the responsibilities of individuals still needed to be addressed. As each state is comprised of individuals, it was suggested that their cooperation is required for the fulfilment of human rights (UNCHR, 2002a:12). Following difficulty in reaching consensus on an appropriate wording of the notion of responsibility, the drafting committee eventually adopted the text, now standing as Article 29(1), on generic 'duties to the community' (UNCHR, 2002a:12; UNGA, 1948). These duties were reiterated in the fifth paragraph of the common preamble to the International Covenant on Civil and Political Rights (ICCPR) (1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), which were drafted during the period between the late 1940s and the early 1950s (UN, 1966a, 1966b; UNCHR, 2002a:12).

As these 'duties to the community' held by each beneficiary of human rights remained undefined within the texts of the UDHR and the two International Covenants on Human Rights, together which comprise the International Bill of Rights (IBR), various individuals began to explore their meaning in closer detail. Due to a lack of clarity and emphasis on the 'duties to the community', in contrast to the dominant focus on universal human rights and the obligations of states to fulfil them, a claim commonly has been raised that individuals' duties and responsibilities require further consideration (Clapham, 1998; Hammarberg, 1999:i). Indeed, despite the adoption of the IBR as a set of instruments focusing primarily on the universal rights of individuals and on the corresponding obligations of states to fulfil those rights, the contentious debate on the relationship between the rights and duties of individuals has persisted since the drafting of these documents.

The issue received sporadic attention at the UN Commission on Human Rights (UNCHR) over the years since the adoption of the UDHR, and delegates such as Greek academic and diplomat Erica-Irene Daes (1925–) and Cuban diplomat Miguel Alfonso Martínez (1935–2010), devoted serious consideration to the topic during the early 1980s and the early 2000s respectively. Daes was commissioned as UNSR in 1974 by the Economic and Social Council (ECOSOC) of the UN to conduct a study on individuals' 'duties to the community', which was completed in 1982

(UNCHR, 2002a:2). In her final report, Daes suggests that ECOSOC permit the Sub-Commission to draft a declaration concerning individuals' responsibilities, with regard, particularly, to the 'observance' and 'promotion' of human rights and basic 'freedoms' in contemporary society (UNCHR, 2002a:13). However, at the time, neither the UNCHR (2002a:13) nor ECOSOC found it 'necessary' or beneficial to give attention to the recommendation.

Eighteen years later, in 2002, Martínez, also serving in the capacity of UNSR, was appointed by the 'Sub-Commission on the Promotion and Protection of Human Rights', a subdivision of the UNCHR (2001:1, 2002a:5), to conduct a study, entitled 'Human Rights and Human Responsibilities' (UNHCHR, 2000a, 2000b). During the period between 2000 and 2005, the issue of human responsibilities remained on the agenda of the UNCHR. Martínez submitted the 'Pre-Draft Declaration on Human Social Responsibilities' (DHSR) in 2003. While the declaration was welcomed by a number of delegations, it also received firm opposition from an array of Western state and non-state actors, including prominent human rights defenders, the press and influential academics. Following an attempt by the European Union (EU) to 'block' further progress on the development of the declaration, ECOSOC intervened to call a vote in 2005, resulting in the dismissal of the subject of human responsibilities from the agenda of the UNCHR.

Nevertheless, the UN Educational, Scientific and Cultural Organisation (UNESCO), a specialised agency of the UN, has adopted a number of declarations on the responsibilities of individuals. For instance, UNESCO adopted the 'Declaration on the Responsibilities of the Present Generations toward Future Generations' in November, 1997 (UNCHR, 2002:14). In his study on human rights and human responsibilities, Martínez states that, while finding the substantive provisions of this declaration of particular interest, time constraints had limited his efforts in exploring whether there had been any further developments on the document (UNCHR, 2002a:14). Another initiative at UNESCO (1999) was the 'Declaration of Human Duties and Responsibilities', which was adopted by a group of prominent individuals in 1998 and was intended to be presented to UNESCO and, ultimately, to the UNGA for adoption.

In addition to the efforts of Daes, Martínez and various members of UNESCO to advocate and mediate for human responsibilities at the UN, a series of prominent independent transnational campaigns emerged in the nongovernmental arena during the late 1980s. This dissertation draws on the definition of campaigns offered by international relations theorist Charli Carpenter (2007:102) as involving concentrated 'efforts' by 'multiple organisations' advocating for a certain 'outcome' for a particular issue. This dissertation, however, refers to each independent initiative of a UN body or agency or of an international NGO, lobbying for human responsibilities, as a single transnational campaign. These initiatives have included those of independent commissions, such as the Club of Rome (CR), the International Council of Human Duties (ICHD) and the InterAction Council (IAC), whose memberships comprise, but are not limited to, former statesmen, working in their personal capacities, as well as prominent theologians, academics and other experts (Hammarberg, 1999:i). Since the 1980s, some of these initiatives, with varying and perhaps lessening degrees of influence, continue to advocate for human responsibilities today.

While a common objective of many of these initiatives, including those of various nongovernmental organisations (NGOs) and UN bodies and agencies, has been to garner support for the drafting and adoption by the UNGA of a universal declaration of human responsibilities, in order to complement the UDHR, their goal has not been realised. Indeed, they repeatedly have met strong opposition to their efforts from a range of actors, including Western governments and influential members of Western civil society, such as the media, prominent academics and human rights NGOs, including Amnesty International (AI) and the International Commission of Jurists (ICJ).

1.2. Research Aims

Seeking to clarify the likely reasons for the repeated failures of various initiatives to keep the issue of human responsibilities on the agenda of relevant UN bodies and, ultimately, to see a universal declaration of human responsibilities adopted by the UNGA, this dissertation explores the challenges encountered by a

number of transnational campaigns for human responsibilities during the period between the early 1980s and the early 2000s. Due to the emergence of opposing initiatives, or 'counter-campaigns', it is argued that movement-counter-movement dynamics have been a key factor constraining the efforts of human responsibilities campaigns. Drawing on the definition of 'counter-movements' offered by David Meyer and Suzanne Staggenborg (1996:1631), this dissertation defines 'counter-campaigns' as initiatives proposing opposing assertions 'simultaneously' to those offered by an 'original' campaign. Because the potential policy successes of human responsibilities campaigns threaten existing interests, counter-campaigns emerged to impede their efforts.

Thus, contextual factors of the international political opportunity structure, including the possibility for 'counter-mobilisation', as well as the historical background of the ongoing contentious value conflict over the duties of individuals under international human rights law, help aid in explaining the ineffectiveness of advocacy efforts for human responsibilities. Identifying the dominant strategies and tactics, particularly the use of collective action frames, employed by proponents of human responsibilities and their opponents, it is proposed that the framing of human responsibilities as having the 'potential' to 'undermine' and 'weaken' the international human rights legal framework was more effective than the framing of human responsibilities as being compatible with and complementary to universal human rights, due to the resonance of the former frames with pre-existing norms and to the credibility of their advocates. It is argued that such 'blocking' strategies of opponents to the idea of potential human responsibilities standards have been effective in impeding the development of a universal declaration of human responsibilities (Hertel, 2005:104).

1.3. Theoretical Framework

Approaching transnational advocacy for human responsibilities from a social constructivist perspective, this dissertation seeks to portray the influence of moral norms, values and ideas of non-state actors on states, international organisations,

international politics and international standard-setting. This view counters the more dominant neorealist and neoliberal accounts of international relations, which focus primarily on states, power and national interest (Bob, 2005:191; Busby, 2007:249; Risse & Sikkink, 1999:6-7). These latter schools of thought assume that national interest can be explained by observing the 'conditions' or 'structure' of the international system (Busby, 2007:249).

The literature on social movements, similarly, typically places significance on 'contextual factors', specifically on political opportunity structures, in seeking to explain 'variation' in 'mobilisation', 'strategies' and 'outcomes' of movements (Shawki, 2010:383). The 'political opportunity structure' is understood to comprise a number of elements, such as the extent to which political power is centralised, the 'positions' of political parties and the availability of 'international alliances', which affect the degree to which a political system is shielded from 'civil society' and the extent to which it is permissive to social movements' 'demands' (Shawki, 2010:384).

Adopting a constructivist approach to political opportunity structures, this dissertation acknowledges the roles of key 'actors', including 'allies', opponents, 'counter-movements' and the broader 'public', in further influencing 'structures' of 'political opportunities' available to transnational campaigns, by either 'facilitating' or 'constraining' their activities (Shawki, 2010:384). A number of authors argue that 'relatively stable' features of 'political opportunity', including 'traditions' and 'institutions', should be 'distinguished' from more 'volatile' features, such as 'public policy', 'political discourse' and 'elite alignment', and that political opportunity should be understood not as an unalterable 'external environment', but as one that can be adjusted by advocates (Gamson & Meyer, 1996:277; Meyer & Staggenborg, 1996:1634). Indeed, while the 'more stable' features of a political opportunity structure significantly facilitate or constrain the opportunities available to advocates, competing actors can play a role in further facilitating or constraining such opportunities (Meyer & Staggenborg, 1996:1634).

Much of the early literature on political opportunity structures was based on civil rights movements. Peter Eisinger's (1972) explanation of the 'conditions' of

American 'protest behaviour' during the 1960s is regarded as the earliest overt application of a 'political opportunity framework' (Meyer & Minkoff, 2004:1459). Studies by Kenneth Andrews (2002) and by Benjamin Lind and Judith Stepan-Norris (2011) also have applied the concept of the political opportunity structure to American civil rights movements of the 1960s. Other more recent accounts by theorists, such as Gary Marks and Doug McAdam (1999), Sidney Tarrow (2006) and Noha Shawki (2010), have adapted the concept of the political opportunity structure to the transnational context. Shawki (2010) applies the concept to intergovernmental organisations, specifically the UN, noting contextual factors, such as international conference diplomacy and movement-counter movement dynamics, as central in explaining the activities and political outcomes of transnational campaigns.

Adopting the concept of the 'international political opportunity structure', this dissertation takes into account the 'structural', or 'institutionally-oriented', aspects of the UN system, including institutional access and procedures of UN bodies, as well as 'non-structural', or 'extra-institutional', features, including 'agency' and the 'strategies' and 'tactics' employed by advocates (Meyer & Staggenborg, 1996:1650; Shawki, 2010:384-385, 2011:105). In this dissertation, the concept of 'agency' encompasses the identities of 'political entrepreneurs' and other proponents of human responsibilities, as well as the significant roles played by individual 'policy gatekeepers', key potential 'veto players' and other 'institutional stakeholders' in facilitating and constraining human rights-related policy (Busby, 2007:254-255; Carpenter, 2007:114-115; Fukuda-Parr & Hulme, 2011:17; Meyer & Staggenborg, 2007:3). The theoretical model of the international political opportunity structure is employed to call attention to such structural and non-structural factors serving to facilitate and constrain the perceived permissiveness of the UN to the issue of human responsibilities.

While the literature on transnational campaigns generally has focused primarily on the advocacy efforts of NGOs 'on the ground', Hovey (1997:224) develops an explanation on various 'stages of intercession', involving both the advocacy efforts of NGOs and the intermediary efforts of their representatives within the intergovernmental arena of the UNCHR. The six stages identified by Hovey

(1997:214) include 'raising the issue', 'seeking sympathetic partners and allies', 'educating about the issue', 'working the system', 'facilitating agreement between disputants' and 'seeking consensus'. While the first three stages involve primarily the role of 'advocacy', the remaining three relate to that of 'mediation' (Hovey, 1997:216-217). While acknowledging that these stages are not necessarily consecutive and that they are not intended to 'exhaust' the kinds of activities employed by NGOs, Hovey (1997:217) notes that they do portray the wide-ranging roles of such non-state actors in promoting, facilitating and constraining agreements among governments.

This dissertation gives attention both to the advocacy efforts of NGOs and other civil society members 'on the ground' and to the mediation by their representatives in the intergovernmental arenas of the UNCHR and ECOSOC (Hovey, 1997:224). Particular attention is given to the 'institutionally-oriented' and 'extra-institutional' contextual factors of the intergovernmental arenas of these UN bodies in 'facilitating' and 'constraining' the activities and political outcomes of the advocacy and mediation efforts of proponents for human responsibilities and of their opponents (Meyer & Staggenborg, 1996:1650; Shawki, 2010:384).

Suggesting that conflict between movements and counter-movements 'increases' when a political opportunity structure 'enables' but does not 'satisfy challengers', Meyer and Staggenborg (1996:1628, 1637) argue that 'federal' political opportunity structures tend to encounter ongoing 'conflict' between movements and counter-movements, because the division of political authority across 'branches of government' means that advocates on each 'side' of a policy-related can be expected to experience a combination of 'governmental support' and challenges from various governmental branches. As political power is divided within and among the various bodies of the UN, the intergovernmental political opportunity structures of these bodies can be understood as federal in nature.

During its existence, the UNCHR, for instance, was comprised of fifty-three delegates, who were elected state representatives and who adopted resolutions by vote (Alvarez, 2005:435). During the deliberations concerning the duties of

individuals under Article 29(1) of the UDHR, there typically have been two opposing sides. The first group has included the developed countries of the Global North and observers for human rights organisations, while the second group has included the developing countries of the South. This was the case during the drafting in 1993 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1998), which commonly is referred to as the Declaration on Human Rights Defenders (DHRD), and during the deliberations concerning the study on human rights and human responsibilities on the agenda of the UNCHR during the period between 2000 and 2005 (UNCHR, 1993; UNGA, 1998a). Furthermore, reactions to the IAC Declaration during the late 1990s reflected a similar polarisation on the issue between developed and developing states.

Applying insights from international regime theory to political opportunity structures, Shawki (2010:388-389) distinguishes between consensual and dissentious conflicts, arguing that conflicts over values tend to be dissentious in nature. As value conflicts take place when 'beliefs' and 'values' of dissimilar actors are 'incompatible', Shawki (2010:289) suggests that they tend to have a 'relatively limited' political opportunity structure. Recognising the likelihood of controversy and 'contestation' over value-based claims, advocates, at times, deliberately attempt to 'avoid' raising issues reflective of existing 'ideational divides' (Fukuda-Parr & Hulme, 2011:29-30). However, ideas proposed about individual duties and responsibilities, which do not 'resonate' with 'pre-existing' international human rights legal standards, involve 'symbolic' issues, reflective of deep-seated value cleavages, and transnational campaigns advocating directly for such ideas, therefore, arguably, cannot avoid such conflicts over symbolic values (Boström, 2011:9; Finnemore & Sikkink, 1998:908; Florini, 1996:377; Meyer & Staggenborg, 1996:1639; Payne, 2001:43).

This dissertation argues that the issue of human responsibilities inevitably generates a conflict over values. Due to the federal nature of the intergovernmental political structure of the UN and the resultant difficulty in resolving such conflicts, it appears that interactions between advocates for human responsibilities and their

opponents likely will be continuous (Meyer & Staggenborg, 1996:1654). This view suggests that transnational campaigns for human responsibilities may continue to participate in various strategies 'over time' and to relocate to alternative collective action arenas, depending on changes in political opportunity, which, in turn, can be expected to occur, as campaigns and their opponents alter 'public policies' and the perceived 'political opportunities' available to them (Meyer & Staggenborg, 1996:1654).

1.4. Research Methodology

In order to fulfil the research aims of this dissertation, which takes the form of a theoretical case study, both primary and secondary literary sources are assessed. Primary sources include, but are not necessarily limited to, international and regional legal instruments, particularly international and regional human rights standards, as well as a selection of press releases and reports of international NGOs and UN bodies and agencies. Secondary sources include books, journal articles, conference papers and news articles. The information drawn from these sources is employed according to the applicable theoretical framework of the international political opportunity structure.

The various transnational campaigns for human responsibilities discussed in this dissertation are presented as a single case study in the second chapter. Particular attention is given to the Universal Declaration of Human Responsibilities (IAC Declaration) (1997) proposed by the IAC and to the DHSR (2003) proposed by Martínez, as these two declarations have received the most responses by governments, human rights activists, academia and the media. Indeed, such a focus on these initiatives is logical, given that they, arguably, have been the most successful transnational campaigns for human responsibilities during the period between the early 1980s and present times. In the third chapter, this dissertation focuses on the interactions between these campaigns and their opponents.

1.5. Research Limitations

The concept and rhetoric of human responsibilities comprise a contentious field of debate, both in the practice of adopting international legal instruments and academically. The issue of human responsibilities, therefore, provides many possible routes of academic study, regarding the potential for the development of an international norm of human responsibilities. A comprehensive consideration of the vast number of transnational campaigns for human responsibilities discovered during the course of this study, however, is beyond the scope of this dissertation, as is a comprehensive analysis of the varied theoretical and philosophical underpinnings and justifications given for the concept of human responsibilities in historical and contemporary times. This dissertation, also, is limited to the temporal period beginning at the time at which Daes was commissioned by ECOSOC to conduct a study on the duties of individuals in the early 1970s, leading up to present times.

1.6. Chapter Outline

The sections of this dissertation are organised within four chapters, including this introductory overview chapter. The second chapter, which is divided into three main sections, first defines important concepts and then builds on the factual overview of transnational campaigns for human responsibilities provided in the introductory chapter. The various opportunities, strategies and tactics employed by these campaigns, during the period between the 1980s and present times, to propose the development and adoption by the UNGA of a universal declaration of human responsibilities, then, are identified.

The effectiveness of the framing of human responsibilities as compatible with and complementary to human rights is assessed in terms of its credibility and its resonance with the international human rights legal framework. Drawing on the political opportunity approach, the partial success of the strategic framing techniques used by advocates in placing the issue of human responsibilities on the international agenda is discussed. The international political opportunity structure provides both

facilitating and constraining factors affecting transnational campaigns for human responsibilities. A key constraint has been the emergence of opposing initiatives impeding the development of a universal declaration of human responsibilities.

The third chapter begins by building further on the factual overview provided in the introductory chapter. After providing an historical account of the emergence of initiatives countering human responsibilities campaigns and impeding the development of a universal declaration of human responsibilities, the third chapter identifies the dominant opportunities and strategies used by the opponents of such campaigns. Such strategies and tactics are assessed in terms of their effectiveness, in contrast with the ineffective efforts of human responsibilities campaigns. The interactions between campaigns and their opposition, as well as the repercussions of such relations, are discussed. A focus on such relations is employed to emphasise the facilitating and constraining factors of the international political opportunity structure, arising from the significant role played by opponents to the issue of human responsibilities, particularly in constraining the development of a universal declaration of human responsibilities. The strategic tactics employed by such opponents of human responsibilities campaigns are identified as a key factor explaining the ineffectiveness of the efforts of transnational campaigns to advocate and mediate for the adoption by the UNGA of a universal declaration of human responsibilities.

The fourth and final chapter concludes by presenting the cumulative findings and implications of the research undertaken and proposes areas in which additional research might be conducted in order to develop a dynamic approach to addressing difficulties and opportunities encountered by transnational campaigns for human responsibilities, which necessarily takes into account both the global institutional dynamics of the UN and extra-institutional factors, including ongoing trans-cultural conflicts over values.

Chapter 2

Toward a Universal Declaration of Human Responsibilities?

2.1. Overview

In order to facilitate the application of the political opportunity framework, a discussion on the substantive factors surrounding the issue of human responsibilities is necessary. Once having arrived at an appropriate working definition of the concept of human responsibilities, this chapter provides some historical background, first, on the ongoing debate on the role of individuals' duties under international human rights law and, subsequently, on a selected number of seemingly most prominent initiatives advocating for human responsibilities during the period between the early 1980s and the early 2000s. The application section of this chapter proceeds to consider the opportunities, strategies and tactics employed by human responsibilities initiatives, which led to their partial success, to the degree that they were able effectively to set the issue on the international agenda, in turn, inviting firm and decisive opposition to their objectives.

2.2. Defining Human Responsibilities

Before providing some historical background on the value conflict over the duties and responsibilities of individuals under international human rights law, it seems necessary, first, to arrive at a definition of the concept of human responsibilities. The transnational campaigns addressed by this dissertation commonly suggest that human responsibilities refer to those responsibilities of individuals that are necessary for the fulfilment of human rights. The concept of human responsibilities inherently is related to and derived from that of human rights. Human responsibilities refer to those duties or responsibilities regarded as 'attributable' to every person, thus applying the principles of universality and inalienability to human responsibilities (UNCHR, 2002a:9). Indeed, it follows from this definition that, if human rights are universal and inalienable, so too are human responsibilities.

The defining of human responsibilities raises the 'semantic question' relating to the application by the UN of the concepts of individual responsibility, duty and obligation (UNCHR, 2002a:7). While Article 29(1) of the UDHR refers to individuals' 'duties to the community', which are reiterated within the fifth paragraph of the common preamble to the International Covenants on Human Rights, Martínez finds that, during the discussions prior to the adoption of these instruments, the 'terms' of responsibility, duty and obligation, particularly responsibility and duty, often were used 'interchangeably' (UN, 1966a, 1966b; UNCHR, 2002a:8).

While these terms commonly have been conflated, this dissertation follows on from the suggestion of Martínez to use only the terms of duty and responsibility 'interchangeably', as they seem more appropriate to stipulate extra-legal 'actions' and 'attitudes', relating to 'ethics' and 'morality', rather than to the more 'formal' constraints of 'positive law' (UNCHR, 2002a:9). In UN reports and international human rights instruments, the terms of 'duty' and 'responsibility' generally have been used to refer to the unspecified individual 'duties to the community', while the term of 'obligation' has been used to refer to the legal obligations of states, formalised by the signing and ratification of international treaties (UNGA, 1948; UN, 1966a, 1966b, 1969). Furthermore, the Vienna Convention on the Law of Treaties (VCLT) (1969) significantly makes no mention of duties or responsibilities, but focuses on the legal obligations of states arising from treaties (UN, 1969). These definitions of the concepts of responsibility, duty and obligation also are consistent with the use by transnational campaigns for human responsibilities of the terms of responsibility and duty to refer to 'moral' and 'ethical' principles applicable to individuals, contrary to the legal obligations assigned to states under international law (IAC, 1997; UNCHR, 2002a:9).

2.3. Background on the Value Conflict over the Duties of Individuals under International Human Rights Law (1940s–1990s)

The issue of human responsibilities typically is discussed in relation to human rights. Presenting the issue as though 'rights' and 'responsibilities' are in competition

and that their advocates are entirely dissimilar, proponents of human responsibilities generally claim that, while rights are individualistic and antisocial, responsibilities, conversely, are 'social' and 'collective' and as connotative of 'appropriate' and 'traditional values' (Steiner & Alston, 2000:337-338). However, it has been contended that the alleged conflict between rights and responsibilities encounters a number of difficulties and that the issue is not really 'conceptual' but rather one of 'emphasis' (Clapham, 1998; Steiner & Alston, 2000:338). Indeed, the inclusion of the individual's 'duties to the community' under the IBR demonstrates a universal acknowledgement of the existence of individual duties.

Nevertheless, since the drafting of the UDHR during the early 1940s, the traditional 'approach' of international human rights law deliberately and, arguably, necessarily has been to assign the primary obligation for human rights protection to states, rather than to individuals (Clapham, 1998; Hammarberg, 1999:i; Knox, 2008:1). Therefore, the value conflict over the 'duties to the community', which emerged during the drafting of the UDHR, should be understood not as a debate on the existence or nonexistence of individual duties, but rather as the question of to whom international human rights law normatively should assign the primary responsibility, duty or obligation for the protection, promotion and fulfilment of universal human rights (Clapham, 1998; Steiner & Alston, 2000:337-338). While the traditional 'approach' of international human rights law has been to recognise states as owing the individual certain rights, which are to be respected within the jurisdiction of the state, various state and non-state actors have 'challenged' this approach over the years (Clapham, 1998; Hammarberg, 1999:i; Knox, 2008:1). The following section considers the discussions and debates over the extent to which the drafters of several international human rights instruments have argued that an emphasis on individuals' duties is necessary.

2.3.1. The Duties of Individuals under the Universal Declaration of Human Rights (1948)

In order to understand fully the traditional ‘approach’ of international human rights law in assigning the primary obligation of human rights protection to states, it is necessary to realise the international context in which the idea of the IBR first emerged (Hammarberg, 1999:i). Toward the end of WWII, proponents of universal human rights raised the idea as a means of seeking to counter the potential for states to abuse the human dignity of individuals within their jurisdictions. In this sense, the inclusion of human rights within international legal instruments limited the previously absolute sovereignty of states (Chesterman *et al.*, 2008:448; Forsythe, 2000:188). In the aftermath of the Holocaust and other mass atrocities that occurred during the war, the emerging framework of international human rights law, beginning in 1946 with the two-year drafting process by a UN drafting committee of the UDHR, understandably and necessarily focused on limiting the sovereign power of states.

While Article 29(1) of the UDHR includes individuals’ ‘duties to the community’, these duties deliberately are unspecific, as the drafters of the UDHR did not recognise a need to protect the state from the power of individuals (UNCHR, 2002a:11). When the Third Committee of the UNGA considered the text of the draft declaration in 1948, a major challenge was to word the notion of responsibility in a formulation that would achieve consensus among all of its participants (UNCHR, 2002:12). With thirty-five votes to none and with only six abstentions, the drafting committee finally adopted the generic text, which, now standing as Article 29(1), states that, “everyone has duties to the community in which alone the free and full development of his personality is possible” (UNCHR, 2002:12; UNGA, 1948).

Since the emergence of the UDHR, as the first phase in developing the IBR, human rights have been conceptualised as being legally entitled to individuals (Rimmer, 2010:21; Risse & Ropp, 1999:234). While the UDHR, as a UN declaration adopted by consensus, has no binding power, it was followed by the drafting of the International Covenants on Human Rights, which, once having been signed and

ratified by state parties, are legally binding (Conforti, 2005:300; Rimmer, 2010:21; Risse & Ropp, 1999:234).

2.3.2. The Duties of Individuals under the International Covenants on Human Rights (1966)

The ICCPR and the ICESCR, both of which were adopted in 1966 and ratified in 1976, contain, within the fifth paragraph of their common preamble, a restatement of the individual's 'duties to the community' under the UDHR. This paragraph, which was drafted during the period between 1949 and 1952, states that, the individual, having duties to others and to the community, has a 'responsibility' to 'strive' toward the 'observance' and 'promotion' of the rights within in each Covenant (UN, 1966a, 1966b; UNCHR, 2002a:12).

Even during the years following the adoption and ratification of the International Covenants on Human Rights, academics continued to refer to the 'lack' of an appropriate 'definition' of the 'duties to the community' under the international human rights framework (Suter, 2012:47; UNCHR, 2002a:27). For instance, in 1968, on the twentieth anniversary of the adoption of the UDHR and two years after the adoption of the two Covenants, Austrian legal academic and journalist René Marcic (1956–1971), analysing the 'duties to the community' in an effort to find greater clarity on their implications, distinguished a range of positive and negative duties of individuals toward themselves and others (Suter, 2012:47).

2.3.3. The Duties and Responsibilities of Individuals under the Declaration on Human Rights Defenders (1998)

In addition to the UDHR and the International Covenants on Human Rights, a number of more recent UN human rights standards, including the Declaration on the Right to Development (1986) and, of particular relevance to this dissertation, the DHRD, further develop the rhetoric of Article 29(1) of the UDHR (Giacomazzi,

2005:172; Petrasek & Takahashi, 1999:28; UNCHR, 2002a:26; UNGA, 1998a). As the objective of the DHRD is to expound on the right of individuals and groups of individuals to 'protect' and 'promote' human rights, it is regarded as a vital 'instrument', offering legitimacy and 'support' to the 'efforts' of members of civil society, who are involved in defending human rights trans-nationally (Petrasek & Takahashi, 1999:30).

Following the typical approach of international human rights law, the DHRD assigns obligations primarily to states, ensuring that human rights defenders can serve their function overtly and 'effectively', without reason to 'fear' possible 'harassment' or 'persecution' (Petrasek & Takahashi, 1999:30). However, Article 18 of the DHRD, which addresses individuals and restates the 'duties to the community' under the UDHR, further develops the rhetoric of these duties, specifying that they are intended to 'safeguard' and to aid in building 'democracy' and to advance a 'social' and 'international order' favourable to human rights (Petrasek & Takahashi, 1999:30; UNGA, 1998a).

The drafting of the DHRD by a UNCHR (2002a:19) working group, involving state delegates and members of international human rights NGOs, such as AI, the ICJ and Human Rights First, took place during the thirteen-year period between 1986 and 1998 (HRF, 2013). During the drafting of the DHRD in 1993, the UNCHR (2002a:19) delegates favouring the drafting of a definition of individuals' duties or responsibilities to their 'social environment' generally included representatives of states of the Global South, while delegates of the North, or West, and observers for human rights NGOs, including AI and the ICJ, decisively were unwilling even to consider the inclusion of a definition of individual duties in a 'modern human rights instrument'. Such delegates generally contended that it was unnecessary in contemporary times to 'clarify' and develop the 'generic formulation' of Article 29(1) of the UDHR (UNCHR, 2002a:19). Significantly, the Vienna Declaration and Programme of Action (VDPA) (1993), adopted during the same year, typically reaffirmed states' obligations, rather than individuals' duties, as prime in the provision of human rights.

The lack of attention given to the duties and responsibilities of individuals under the VDPA later generated a response from UNCHR delegates, seeking to 'balance' human rights with human responsibilities. Indeed, according to the South Asian Human Rights Documentation Centre (SAHRDC), an NGO in consultative status with ECOSOC in 2003, the UNCHR encountered 'unprecedented' threats, following the 'Vienna World Conference on Human Rights' (VWCHR), due to the 'efforts' of the Like-Minded Group (LMG), an informal alliance of human rights violating states, including Bhutan, China, India, Iran, Malaysia, Myanmar, Nepal, Pakistan, Sri Lanka, Vietnam, Algeria, Cuba, Egypt and Sudan (UNCHR, 2003c). Further challenges included, also, the barring of NGOs from human rights procedures at the UN (Sceats & Breslin, 2012:9; Stanley, 1998; UNCHR, 2003c, 2005; UN Watch, 2007:6; 17).

2.4. An Historical Account of Prominent Transnational Campaigns for Human Responsibilities (1980s–2000s)

During the 1960s and 1970s, various academics explored the 'duties to the community' under international human rights law. During the 1960s, Marcic conducted a study, which sought to clarify the 'duties to the community' under the UDHR (Suter, 2012:47). Daes conducted a similar study at ECOSOC during the eight-year period 1974 and 1982, as did UNESCO, also in 1982 (UNCHR, 2002a:2). Although Daes concludes her study by recommending that the UNCHR (2002a:13) should draft a declaration of individuals' responsibilities, her suggestion was not considered relevant at the time.

Toward the late 1980s, toward the end of the Cold War (CW), a number of transnational campaigns advocating more resolutely for human responsibilities emerged. While there have been numerous initiatives advocating for a universal declaration of human responsibilities, this dissertation is limited to the study of seven initiatives. Although, as an aside, it seems appropriate to mention the efforts of the late California-based Chinese academic and prominent activist Lucile Green (1922–2005) to advocate for 'A People's Declaration of Human Responsibilities' ("Lucile

Green”, 2005). Since she passed away in 2005, however, this particular initiative has discontinued. As each initiative has built on the work of previous advocates, the seven initiatives addressed by this dissertation together form a single case study (Suter, 2012:49). The following section provides an overview of these initiatives, beginning with the ECOSOC-mandated study presented by Daes in 1982.

2.4.1. The ECOSOC-Commissioned Study on the Individual’s Duties to the Community (1982)

ECOSOC, a ‘subsidiary body’ of the UNGA comprised of fifty-four members and tasked with upholding ‘international cooperation’ in ‘social’ and ‘economic’ arenas under the ‘authority’ of the UNGA, has a lengthy history of addressing the issue of individuals’ ‘duties to the community’ under international human rights law (Conforti, 2005:118; UNESCO, 1948). ECOSOC first faced the issue whilst drafting the UDHR (UNESCO, 1948). During the eight-year period between 1974 and 1982, Greek delegate Daes conducted an ECOSOC-commissioned study on the ‘preparatory work’ that culminated in the adoption of the texts regarding individuals’ duties under the IBR (UNCHR, 2002a:2). Her final study, entitled ‘The Individual’s Duties to the Community and the Limitations on Human Rights and Fundamental Freedoms under Article 29 of the Universal Declaration of Human Rights’, was submitted to ECOSOC in 1982 (UNCHR, 2002a:2). The study was an effort to contribute toward defining such individual duties, thus addressing a supposed inconsistency in the provisions of the IBR on the subject (UNCHR, 2002a:13).

During the time between August 1975 and October 1976, a ‘questionnaire’ was forwarded to governments by the UN Secretary-General (UNSG), on behalf of Daes, containing questions concerning the role of individuals’ societal duties or responsibilities (UNCHR, 2002a:18). All of the twenty-five respondents, excepting the government of the Federal Republic of Germany (FRG), were governments of the Global East or South (UNCHR, 2002a:29). Fifteen respondents claimed the existence of an evident ‘correlation’ between individuals’ rights or ‘freedoms’ toward society and the responsibilities or duties of the bearers of such rights (UNCHR,

2002a:18). The only 'direct' questioning of this correlation, labelling it a 'fallacy', was by the FRG, significantly the only Western state to respond (UNCHR, 2002a:18).

Daes suggests that the 'duties to the community' under Article 29(1) of the UDHR deliberately are not specifically defined, because the fundamental objective of the UDHR necessarily is to protect individuals' rights from the potential abuse of state power, whereas there is no apparent need to protect the state from individuals' power (UNCHR, 2002a:11). She argues, nevertheless, that the provisions of individual duties under international human rights instruments essentially are 'moral' in nature and that the formulation of Article 29(1) comprises a 'compromised text', reflecting the complexity of the drafting of a 'balanced' formulation of such duties by delegates of diverse backgrounds (UNCHR, 2002a:11). In seeking to clarify the duties of individuals to other members of their community, Daes had suggested that they include both positive and negative duties of individuals toward themselves and toward others, thus offering a similar perspective to that proposed by Marcic in 1968 (Suter, 2012:47; UNCHR, 2002a:13).

Daes concludes her study with a suggestion for ECOSOC to commission the Sub-Commission of the UNCHR to draft a declaration on 'principles' regarding individuals' responsibilities, concerning, in particular, the 'observance' and 'promotion' of human rights and basic 'freedoms' in a contemporary society (UNCHR, 2002a:13). However, at the time, ECOSOC and the UNCHR (2002a:13) deemed the authorisation of such a declaration neither 'necessary' nor beneficial. Daes, nevertheless, continued to study the issue independently and eventually authored a book, entitled *Freedom of the Individual under Law: A Study on the Individual's Duties to the Community and the Limitations on Human Rights and Freedoms under Article 29 of the Universal Declaration of Human Rights*, which was published in 1990 (UNCHR, 1993).

2.4.2. The CR Declaration of Human Responsibilities and Duties (1991)

Toward the late 1980s, the CR, a Switzerland-based think tank addressing 'global issues' with a current membership of about one hundred individuals including former heads of state or government, began to consider the possibility of creating a declaration of human responsibilities and duties (Suter, 2009, 2012:48). At the 1989 annual CR conference, there was a discussion on the one-dimensional nature of the UDHR and a resultant suggestion that there should be a 'declaration of human rights and obligations' (Suter, 2012:48).

In order to address the issue, Dutch CR member Hans Blauwkuip was appointed as head of a CR working group, focusing on 'human responsibilities', which were understood as individuals' responsibilities, rather than those of organisations or governments (Suter, 2012:48). The working group presented the 'Declaration of Human Responsibilities and Duties' at the 1991 CR Annual Conference in Punta del Este, Uruguay (Suter, 2012:48; Tough, 1993:14). The declaration emphasises individuals' duties and responsibilities toward 'children', 'disabled' persons, the 'natural environment' and the 'dissemination' of 'information' and 'knowledge' (CR, 2005:17; Tough, 1993:14). The document, which had not been written in the 'style' of a UN declaration, essentially was a proposal favouring the drafting of such a declaration (Suter, 2012:48). Later that year, the declaration was proposed to the UNSG as a complementary text to the UHDR, inviting the UN to 'further' the study begun by the CR (2005:17) (Suter, 2012:48). Although the document was 'circulated' to the relevant bodies of the UN, it was not considered relevant at the time (Suter, 2012:48).

Nonetheless, the CR has continued to promote the adoption of a declaration of human responsibilities, while not creating a large-scale campaign advocating for the idea (Suter, 2012:48). While members of the CR have advocated for a 'renewed attention' to the establishment of global ethical standards and for the creation of a declaration of 'global ethics', others have focused on promoting increased 'civic responsibility' and on developing 'common standards' for environmental and social protection, founded on an acknowledgement of common responsibility 'toward future

generations' (CR, 2005:22-23; Suter, 2012:48). Furthermore, Sydney-based British academic and international affairs commentator Keith Suter (1948–), who has been a member of the CR since 1993, has continued to advocate for human responsibilities and has sought Western support through his public presentations on the subject in Australia and while lecturing in the United States (US) (Suter, 1999, 2009, 2012:48). He also authored an article on the subject of human responsibilities, which was published in 2012 (Suter, 2012).

2.4.3. The IAC Universal Declaration of Human Responsibilities (1997)

The IAC (2013), a Tokyo-based independent commission with a membership originally comprising about thirty former heads of government or state, acting in their personal capacities, has had an enduring 'objective' of seeking to 'balance' human rights with human responsibilities (McGregor, 2013:9; Petrasek & Takahashi, 1999:10; Steiner & Alston, 2000:351; Suter, 2012; UNCHR, 2002a:22). The membership of the IAC later was extended to include other high-ranking 'politicians', 'academics', 'journalists' and senior religious figures (UNCHR, 2002a:22). Arguing that the world ultimately would be 'unequal', 'dangerous' and 'discordant' if individuals claimed rights while not acknowledging responsibilities, the late Japanese Prime Minister (PM) Takeo Fukuda (1905–1995) and former German Chancellor Helmut Schmidt (1918–) founded the IAC in 1983 (Giacomazzi, 2005:170; Steiner & Alston, 2000:351).

Members of the IAC (2013) soon began to explore existing commonalities among human ethical standards worldwide and began to draft a declaration of 'global ethical standards' in 1987 (Giacomazzi, 2005:164). In February 1989, Hans Küng (1928–) (1993:45), a Swiss Catholic priest, theologian and member of the IAC, addressed the idea at a colloquium at UNESCO in Paris. The following year, his book, entitled *Global Responsibility* was published (Küng, 1993:46). In September, 1993, at the Parliament of the World's Religions (PWR) in Chicago, a few hundred 'religious leaders' agreed on the 'existence' of a common 'global ethic' and adopted the 'Declaration toward a Global Ethic' (Bell, 1994:21; IAC, 1996; Küng, 1993;

Robra, 2000:472). After this event, members of the IAC were 'encouraged' by the finding that certain 'ethical standards' were common to all political ideologies and religions worldwide (Giacomazzi, 2005:170).

In April, 1997, the IAC (1997) endorsed a declaration of human responsibilities, which was the product of the collective efforts of experts and advisors, including journalists and academics such as Küng (1993) and American Professor of Catholic Thought and Interreligious Dialogue Leonard Swidler (1929–) (2007) (McGregor, 2013:9-10; Suter, 2012; UNCHR, 2002a:22). Their suggestions were offered to the IAC, and the declaration was approved at a session chaired by Schmidt, who, at the time, was heading the IAC, together with former Australian PM Malcolm Fraser (1930–) (UNCHR, 2002a:22). The IAC Declaration is arranged in five sections, covering a range of themes, including 'non-violence', 'justice', 'solidarity', 'truthfulness', 'tolerance' and 'mutual respect' (IAC, 1997; Giacomazzi, 2005:170). Composed of nineteen articles, the document 'explicitly' was presented as a 'supplement' and 'complement' to the UDHR (AI, 1998:1; IAC, 1996; IAC, 1997; IAC, 1998; McGregor, 2013:10; Petrsek & Takahashi, 1999:11; Suter, 2012; UNCHR, 2002a:22).

Following the completion of the drafting of the IAC Declaration, the IAC (1997) published and proposed the document on September 1, 1997 (AI, 1998:1; Giacomazzi, 2005:164; McGregor, 2013:9; Suter, 2012). At that time, the IAC sent the text to all heads of state and government and to the UNSG, requesting that they endorse the adoption of the declaration by the UNGA (AI, 1998:1; McGregor, 2013:10; Petrsek & Takahashi, 1999:10). The stated 'intention' was for the UNGA to adopt the declaration at its 1998 session, in order to 'coincide' with the 'fiftieth anniversary' of its 'adoption' of the UDHR (Giacomazzi, 2005:165; IAC, 1996, 1997, 1998; McGregor, 2013:10; Petrsek & Takahashi, 1999:11; UNCHR, 2002a:22). The UNSG referred the IAC Declaration to the relevant bodies and specialised agencies of the UN (AI, 1998:1; McGregor, 2013:10). The IAC Declaration, also, was considered at UNESCO and at the UNCHR for 'potential adoption' by the UNGA, but it was not given 'sufficient' support by member-states, and a 'formal vote', thus, was not considered necessary (Giacomazzi, 2005:164; McGregor, 2013:10). Therefore,

the UNGA neither adopted nor considered the declaration its 1998 session, as intended by the IAC.

On March 20-21, 1998, at the 'Preparatory Meeting for the Sixteenth Plenary Session' of the IAC (IAC), also referred to as the 'Steering Meeting on the Dissemination of the Universal Declaration of Human Responsibilities' (Steering Meeting), which took place in Frankfurt, Germany, and was chaired by Fraser, it was noted that responses to the IAC had been 'mixed' and 'wide-ranging' (Giacomazzi, 2005:164-165; UNCHR, 2002a:23). While the majority of Asian governments readily embraced it, most Western governments were 'reluctant' to entertain the proposal and regarded it with suspicion (Giacomazzi, 2005:165; IAC, 1998). There was opposition from the Western media, the UN High Commissioner for Human Rights (UNHCHR), prominent academics and Western human rights activists and NGOs, including AI (1998) and the ICJ (Clapham, 1998; Robinson, 1998a:120; UNCHR, 2002a:23). The IAC (1998) decided that, without the likelihood of 'support' by Western governments, it was necessary to defer the proposed submission of the declaration to the UNGA for adoption that year (Giacomazzi, 2005:165). The original objective to have the declaration adopted at the Fifty-Third Session of the UNGA in 1998, thus, was 'modified' to having it 'discussed' at the UN during that session (Giacomazzi, 2005:165; IAC, 1998; McGregor, 2013:10; UNCHR, 2002a:22).

Although the IAC Declaration was not an official item on the agenda of the UNGA (1998b) at its Fifty-Third Session, Singaporean diplomat Kishore Mahbubani (1948–) did give attention to the document on December 10, 1998, the fiftieth anniversary of the adoption of the UDHR. He noted the recommendation by the IAC to have the declaration discussed that day (UNGA, 1998b). Questioning the reasons and motives behind the decision not to discuss the declaration and finding the situation 'puzzling', Mahbubani claimed to be aware of surreptitious intrigues to avert such a discussion from taking place (UNGA, 1998b). Since that time, various governments have been 'willing' to 'co-sponsor' the IAC Declaration at the UN, on the condition that a 'major Western government' would be 'involved', but such Western support has been lacking (McGregor, 2013:10). Nevertheless, the IAC has

continued to advocate for the declaration, still recommending that governments should sponsor it at the UN (McGregor, 2013:10; Suter, 2012:49).

2.4.4. The ICHD Trieste Declaration of Human Duties (1997)

The ICHD, an international NGO with a membership of about eighty individuals from all continents, was founded, following the proposal in 1991 by Nobel laureate Professors Roger Sperry (1913–1994) and Rita Levi-Montalcini (1909-2012) to formulate a ‘Carta of Human Duties’ as a ‘necessary counterpart’ to the UDHR (Benatar, 2001:371; ICHD, 2013). Two years later, the ICHD (2013) was established at the University of Trieste, at which time a number of scientists, scholars, Nobel laureates and Italian and international NGOs began to collaborate to draft the envisioned ‘Carta of Human Duties’. The resultant culmination of their efforts led to the completion in 1997 of the ‘Declaration of Human Duties’, which came to be known as the ‘Trieste Declaration’ (Benatar, 2001:371; ICHD, 2013).

The Trieste Declaration, which was conceptualised as a code of ethics and shared responsibilities, lists twelve duties of individuals, including the duty to respect human dignity and ethnic, cultural and religious diversity, duties of non-discrimination and social equality and duties regarding the regulation of world population growth, environmental preservation and non-violence (ICHD, 2013). ‘Among’ the ‘objectives’ of the ICHD (2013) were the advancement of international comprehension of the concept of ‘human duties’ and the encouragement of the endorsement by the UNGA of a universal declaration of human duties, which is envisioned as having ‘comparable stature’ to the UDHR (Benatar, 2001:371).

In order to realise these goals, the ICHD (2013) applied for NGO consultative status with ECOSOC. Building on Article 71 of the UN Charter, ECOSOC established NGO ‘consultative status’ in order to provide NGOs with access to ECOSOC and its subsidiary bodies, the human rights mechanisms of the UN, as well as to special events organised by the President of the UNGA (Hovey, 1997:216; NGO Branch, 2013; UN, 1945; Zettler, 2009:3). These NGOs may ‘request’ that

particular issues be 'placed' on the agendas of 'relevant' UN bodies, offer 'written statements' and give 'oral presentations' at sessions and 'meetings' (Steiner & Alston, 2000:980).

After a lengthy process, the ICHD (2013), eventually, was granted special consultative status with ECOSOC in 1997 (Zettler, 2009:6). According to guidelines set by ECOSOC (2013), special consultative status NGOs are required to submit to the Committee on NGOs a 'quadrennial report', a brief report on their activities, specifically on the contributions that they have given to the work of the UN. This quadrennial review exercise is intended to monitor the relationship between the UN and the NGOs in consultative status with ECOSOC (2013). Since 2008, ECOSOC (2010) has taken measures to suspend NGOs that fail to submit their reports on time and in 2010 decided to withdraw consultative status of NGOs with continued outstanding quadrennial reports. These decisions by ECOSOC (2009a:102, 2009b, 2010a, 2010b:2, 2010c:3) led to the withdrawal of the ICHD's consultative status with the Council, due to a backlog of outstanding quadrennial reports.

By the time that the ICHD obtained special NGO consultative status with ECOSOC, Sperry had passed away three years earlier, and Levi-Montalcini was in her late eighties. Arguably, the waning presence of these political entrepreneurs at the ICHD had had some effect on the motivation of the membership of the organisation to pursue its original objectives. Furthermore, even having obtained special NGO consultative status, the ICHD likely would have had limited opportunities to advocate for its proposed ideals. Indeed, as the number of NGOs in consultative status grows, the 'value' of having such 'status' is actually diminishing, as there simply is insufficient time to permit all NGOs to make statements (Steiner & Alston, 2000:980; Zettler, 2009:8).

2.4.5. The UNESCO-Sponsored Declaration on the Responsibilities of the Present Generations toward Future Generations (1997)

Like ECOSOC, UNESCO (1948) has had a protracted history of addressing the relationships among human rights, responsibilities, duties and obligations. UNESCO (1948) was involved in providing comments and interpretations on human rights during the drafting of the UDHR. Furthermore, in 1982 UNESCO published a study, entitled 'Historical Foundations of Human Rights and Subsequent Developments', in which it noted the lacking definition of the 'duties to the community' under the UDHR and the International Covenants on Human Rights (UNCHR, 2002a:27). Seven years later, in February, 1989, UNESCO hosted a colloquium in Paris, at which Küng (1993:45) presented a paper on global ethics.

In 1994 another initiative considering individuals' duties emerged at UNESCO (Giacomazzi, 2005:171; UNCHR, 2002a:14). Realising the rights of 'future generations', it was proposed that a declaration was needed to assign duties to 'each generation' in order to safeguard the rights of future generations (Giacomazzi, 2005:171). UNESCO, in collaboration with the Cousteau Society, hosted a meeting, which took place on February 25-26, 1994, at the University of La Laguna in Tenerife, Spain (Giacomazzi, 2005:171; UNESCO, 1994). At the meeting, experts from across the world adopted the 'Universal Declaration of Human Rights for Future Generations', which came to be referred to as the 'La Laguna Declaration' (UNESCO, 1994). The declaration was presented to the Executive Board of UNESCO (1994:3) on September 22, 1994.

Encouraged by the positive responses of members of the Executive Board, the Director-General of UNESCO (1994:2), then, referred the document to the UNSG and the UNHCHR. Having requested views of experts from across the world, the Director-General of UNESCO (1994:2) received several responses in favour of the adoption by UNESCO of a 'declaration on the rights of future generations', which could be regarded as particularly significant on the occasion of the 'fiftieth anniversary' of the establishment of the UN and UNESCO the following year. The declaration was revised in consideration of such recommendations (UNESCO,

1997b). These efforts led, eventually, to the adoption of the 'Declaration on the Responsibilities of the Present Generations toward Future Generations' on November 12, 1997, at the Twenty-Ninth Session of the General Conference of UNESCO in Paris (Clapham, 1998; UNCHR, 2002a:14). However, the declaration was not further addressed by other relevant bodies of the UN and, ultimately, was not adopted by the UNGA.

2.4.6. The UNESCO-Sponsored Valencia Declaration of Human Duties and Responsibilities (1998)

A number of months before the adoption by UNESCO of 'the Declaration on the Responsibilities of the Present Generations toward Future Generations' (1997), members of UNESCO proposed, also, a 'universal declaration of human responsibilities' (Giacomazzi, 2005:171). On March 20-28, 1997, a number of philosophers of various religious, ethnic and ethical backgrounds, met at UNESCO (1997a) in order to draft a declaration, which would provide a philosophical foundation for a 'global ethic'. The declaration was proposed by the 'Valencia Foundation for the Third Millennium' and the 'ADC New Millennium Association' (UNESCO, 1997a). The original intention for the declaration was to present it to member-states of UNESCO (1999) and, ultimately, to the UNGA for adoption, in order that it might strengthen observance of the UDHR. The declaration was drafted by a 'group' of experts from over a hundred states, chaired by former South African Justice Richard Goldstone, under the sponsorship of UNESCO (1997a, 1999) and Valencia, Spain (Hunt, 2001:180; McGregor, 2013:11).

In 1998 the declaration, which came to be known as the 'Valencia Declaration', was adopted in Valencia by seventy-five prominent individuals from across the world (Hunt, 2001:180; McGregor, 2013:11; UNESCO, 1999). As was the intention of the IAC for its declaration, the publishing of the Valencia Declaration originally was timed to 'coincide' with the fiftieth anniversary of the adoption by the UNGA of the UDHR (McGregor, 2013:11). The Valencia Declaration, eventually, was presented to UNESCO Director-General Federico Mayor on April 28, 1999 and was

envisioned to commemorate the arrival of the millennium (McGregor, 2013:11; UNESCO, 1999).

Goldstone was cited in November, 2008, as explaining that the declaration was not adopted by UNESCO, nor was it adopted by any other body of the UN (McGregor, 2013:11-12). Nevertheless, in November of the following year, the Madrid-based 'Helsinki España-Human Dimension' NGO hosted a conference in New York, in order to celebrate the 'tenth anniversary' of the adoption of the Valencia Declaration, and participants at the 'international sessions' purposed to 'resubmit' the Valencia Declaration to the UN in 2010 (McGregor, 2013:12). An inquiry sent in 2013, questioning the development of such efforts, received no response (McGregor, 2013:12).

2.4.7. The UNCHR-Commissioned Study on Human Rights and Human Responsibilities (2003)

During the remaining five years of its existence, the UNCHR, which in 2006 was substituted with the UN Human Rights Council (UNHRC), focused specifically on the relationship between human rights and human responsibilities (McGregor, 2013:13). The UNCHR was founded by ECOSOC in 1946, in order to serve as the principal organ of the UN for human rights (Alvarez, 2005:435; Chesterman *et al.*, 2008:448). Contrary to many other 'mechanisms' of 'human rights compliance', which comprise of 'experts' assigned in their 'personal capacities', the membership of the UNCHR comprised of fifty-three 'government representatives', elected with consideration given to 'regional representation' (Alvarez, 2005:435).

In April 2000, the LMG, an alliance of traditionally non-democratic, developing states acting as a negotiating block at the UN, set the issue of human responsibilities on the agenda of the UNCHR (2003b:1), despite opposition from Western delegations (Sceats & Breslin, 2012:9; Stanley, 1998; UN Watch, 2007:6, 17). Adopted by one vote, the UNCHR adopted a decision requesting the Sub-Commission on the Promotion and Protection of Human Rights to conduct a study

on human rights and human responsibilities (UNHCHR, 2000b). On August 18, 2000, the Sub-Commission adopted a controversial decision to appoint its Cuban member and LMG representative, Martínez, to undertake the study and to submit to the UNCHR (2002a:1) a preliminary report in 2002 and a final report in 2003 (Knox, 2008:35-36; UNHCHR, 2000a). Despite 'opposition' from delegacies representing Western states and particularly those of the EU, on July 24, 2001, Martínez was 'appointed' by ECOSOC (2001) as UNSR at the request of the UNCHR and its Sub-Commission (UNCHR, 2005a:36).

On March 19, 2002, Martínez presented the Preliminary Report on Human Rights and Human Responsibilities to the UNCHR (2002a:1). He had included a 'questionnaire' to be sent to UN member-states and 'relevant' NGOs, in order to assess the contemporary positions of an array of state and non-state actors on the issue (UNCHR, 2002a:19, 32). Martínez, also, had proposed a number of research field trips to Africa, Asia and Europe, which he deemed 'necessary' for his study (ECOSOC, 2002). After two days of discussion on the Preliminary Report, the UNCHR referred it to ECOSOC for consideration (UNHCHR, 2002). ECOSOC (2002), again, requested the UNSG to assist Martínez in fulfilling effectively his 'mandate'.

The questionnaire was sent to the requested state parties, and, later in 2002, Martínez completed his intended research field missions (UNCHR, 2003b:2). In reviewing the responses to the questionnaire, he noted the lack of responses from NGOs and, after inquiring into the matter, discovered the possibility that the Office of the High Commissioner for Human Rights (OHCHR) may have failed to send the questionnaire to them (UNCHR, 2003b:2). While the number of governmental responses admittedly was relatively low, they reflected a clear division between the developed states of the Global North, whose responses opposed the formal correlation between the rights and responsibilities of individuals, and developing states of the South, whose replies acknowledged such a correlation (UNCHR, 2003b:2-3). Polarisation on the issue also was evident in discussions during working visits to Brussels and Madrid and with representatives of governmental officials and civil society members in Asia and Africa (UNCHR, 2003b:3).

On March 17, 2003, Martínez presented the Final Report on Human Rights and Human Responsibilities to the UNCHR (2003b:1). Considering the suggestion made by Daes in 1982, regarding the need for a declaration on the responsibilities of individuals, and inspired by the initiative advocating for the adoption by the UNGA of the IAC Declaration, Martínez drafted the DHSR, which he attached to the Final Report (UNCHR, 2002a:13; 2003b:20-26). On April 21, 2004, the Chinese and Cuban delegates, on behalf of the LMG, expressed support for the eventual adoption by the UNGA of the DHSR and called for a resolution, which, adopted by one vote, requested the OHCHR to compile views of states, intergovernmental organisations (IGOs) and NGOs on the DHSR (UNCHR, 2004b:82-83, 2005a).

On July 22, 2004, at the Annual Substantive Session of ECOSOC, the delegate of the Netherlands, on behalf of the EU, expressed firm opposition to the resolution and presented a draft decision at ECOSOC (2004), seeking to 'overturn' the decision of the UNCHR (2004b:82-83) (EU, 2004; UN Information Service, 2004). However, the draft decision was rejected by one vote (ECOSOC, 2004). After forwarding the DHSR to all requested parties on August, 3-4, 2004, the OHCHR received twenty-seven responses from governments, two from IGOs and one from an NGO (UNCHR, 2004a, 2004b, 2005a:36). The replies were 'overwhelmingly opposed' to the DHSR, and only two states, namely Cuba and China, supported it (UNCHR, 2005a:36).

On April 20, 2005, at the final meeting of the UNCHR, the Chinese delegate, on behalf of the LGM, introduced another resolution, this time requesting Martínez to revise the DHSR, taking into consideration the deliberations at the UNCHR (2005a, 2005b:15, 2005c:15, 341) and the comments documented by the OHCHR, concerning the DHSR (UN, 2005). ECOSOC (2005) initially endorsed the decision for Martínez to revise the DHSR (UNCHR, 2005c:15, 341). However, three months later, at the Annual Substantive Session of ECOSOC (2005a) on July 25, 2005, the delegate of the United Kingdom (UK), on behalf of the EU, called for a vote to reconsider the proposal to further the study on human rights and human responsibilities (EU, 2005). ECOSOC (2005a) rejected, by two votes, the proposal, thus formally discontinuing the development of the DHSR.

Since the replacement of the UNCHR by the UNHRC in 2006, the issue of human responsibilities has not featured on the agenda of the new UN body (McGregor, 2013:13). Nevertheless, the DHSR still is supported by a number of states, and it is likely that its advocates will 'continue' to lobby for the endorsement of its 'principles' in some 'form' (Knox, 2008:1; McGregor, 2013:13). However, since Martínez passed away in February, 2010, a new 'political entrepreneur' willing to assume the challenge of devoting significant attention to the issue would need to emerge at the UNHRC. To date, this has not been the case. Furthermore, while drafting the 'Preliminary Study on Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Humankind' in May, 2012, the drafting group of the Advisory Committee of the UNHRC noted that ECOSOC in 2005 had voted against a proposal to develop the DHSR, due to views expressed by numerous states that human rights are 'inalienable' and inherent in each person and that a focus on individual responsibilities could undermine the universality of human rights (EU, 2005; UNHRC, 2012:10). It, thus, appears that this perspective has become fairly dominant within the UNHRC (UNHRC, 2010:10).

2.5. Opportunities and Strategies adopted by Transnational Campaigns for Human Responsibilities

In order to understand the choices, strategies and political outcomes of advocacy initiatives for human responsibilities, it is necessary to take into account the political and cultural contexts in which they emerged. The outcomes of transnational campaigns cannot be explained in isolation, as contextual factors, to some extent, shape the opportunities available to them. Political opportunities, comprising the 'relatively stable' structural features of the international system, as well as the 'more volatile' features, therefore, should be considered (Meyer & Staggenborg, 1996:1634).

While 'relatively stable' features, such as institutional access and UN procedures, have limited the possibilities and opportunities available to advocates for human responsibilities, the actions of these advocates and their opponents further

have facilitated and constrained the possibilities for change and political action (Meyer & Staggenborg, 1996:1634). Institutional strategies have involved having to adapt to the norms and practices specific to 'particular venues', when adopting customary 'channels of influence' (Meyer & Staggenborg, 1996:1650). For instance, the ICHD, employing a 'structural' tactic, had to comply with institutional regulations, by applying for NGO consultative status with ECOSOC in order to gain access to the sessions and meetings of the various UN bodies.

As the 'relative' permissiveness, of the international political opportunity structure 'generally' remains 'stable', advocates for human responsibilities perceive fluctuating opportunities, dependent, ultimately, on alterations to policy (Busby, 2007:252; Meyer & Staggenborg, 1996:1636). An issue seldom 'closes' with an initial 'outcome', such as the introduction of 'legislation', and issues involving dissentious value conflicts, in particular, are likely to be ongoing (Meyer & Staggenborg, 1996:1636). Indeed, the lengthy debate over the extent to which individuals should bear responsibilities or duties for the fulfilment of human rights under international human rights law has emerged and re-emerged at various times, while remaining less prominent at other times.

Despite the dominant focus of international human rights law on the obligations of states as prime in protecting human rights, changes in public policy, political discourse and elite alignment at various times have affected the 'perceived openness' of the issue of human responsibilities (Clapham, 1998; Hammarberg, 1999:i; Meyer & Staggenborg, 1996:1634). The following section seeks to demonstrate the ways in which the perceived 'openness' on the issue of human responsibilities influenced both the opportunities available to its proponents and the strategies that they chose to adopt (Meyer & Staggenborg, 1996:1636).

2.5.1. The Post-Cold War Context and the Emergence of the 'Asian Values'

Argument

A number of transnational campaigns advocating for human responsibilities began to emerge toward the late 1980s, coinciding with the end of the CW, and became particularly prominent during the 1990s. At this time, advocates for human responsibilities, therefore, perceived the international political opportunity structure to be permissive, and even favourable, to the issue. During the early 1990s, the end of the CW had led to increased optimism that the UN would assume a more prominent role in the promotion of human rights protection, and the adoption in 1993 of the VDPA had strengthened this perspective (Chesterman *et al.*, 2008:470).

While many view the 'concept' and 'rhetoric' of human rights as 'unproblematic', as fundamental to a 'universal discourse' concerning 'human dignity' and 'humane' conduct by governments toward individuals, others, conversely, regard the dominant 'discourse' on rights as foreign and detrimental to their 'states', 'social structures' and cultural traditions (Steiner & Alston, 2000:323). Cultural relativists contend that international human rights legal instruments and their claims to universality suggest the 'cultural imperialist' stance of Western states and that such 'universalisation of norms' impairs cultural 'diversity' and leads to 'cultural homogenisation' (Steiner & Alston, 2000:267).

During the CW, such universal-relativist debates, which often amounted to routine 'highly politicised accusations', primarily took place between Communist states, as well as their affiliates, and Western democracies (Steiner & Alston, 2000:267). While Western democracies accused Communist states of abusing many fundamental rights, particularly civil and political rights, these states responded both by accusing the West with violations of 'social' and 'economic' rights and by affirming that Communist states were based on different 'political' and 'ideological' traditions regarding rights (Steiner & Alston, 2000:267-268).

Although the debate between Western and Communist states lost its impact toward the end of the CW, a number of its 'themes' have emerged in a 'universal-

relative debate', involving an increasing number of 'non-state actors', but occurring primarily between 'developed' Northern, or Western, states and 'less developed' Southern states, or between Western and Islamic states (Steiner & Alston, 2000:268). Indeed, during the early 1990s, such a claim that human rights are not reflective of 'Asian values' emerged (Berthrong, 2003:199; Clapham, 1998; Korey, 1998:469). Proponents of this view questioned the validity and universality of the UDHR (Clapham, 1998; Korey, 1998:469; "Madeleine Albright Sings Out", 1997).

At the Regional Meeting for Asia of the World Conference on Human Rights, which took place from March 29 to April 2, 1993 in Bangkok, Thailand, a number of Asian governments adopted the 'Bangkok Declaration' (1993), by which representatives of Asian states dismissed civil and political rights as contrary to 'Asian values' (Føllesdal, 2003:1; UNGA, 1993b). The Bangkok Declaration, which contains a number of criticisms of human rights, including the relativist claim that an emphasis on human rights 'ignores' or 'detracts' from individuals' duties, received considerable attention, particularly, as it was adopted immediately before the VWCHR (Føllesdal, 2003:1-2; UNGA, 1993b).

Four years later, in 1997, Economic Advisor to the Malaysian Government Tun Daim Zainuddin, purporting that the membership of the UN had grown from forty to over 180 member-states since the adoption of the UDHR, argued, therefore, that it was necessary to render the UDHR 'relevant' to contemporary times and to render it 'acceptable' to nations and individuals worldwide (Clapham, 1998). The night before the UN began to prepare for 'fiftieth anniversary ceremonies' of the UDHR, which would take place throughout the year of 1998, the US and other Western states, thus, were confronted by a Southeast Asian bloc of states, who questioned the 'validity' and 'universality' of the UDHR and called for a 'revision' of the document (Korey, 1998:469).

At the Fifty-Third Session of the UNGA (1998b) Mahbubani professed support for the IAC Declaration and claimed that the emphasis of Western states on 'rights', rather than 'responsibilities', had produced a 'culture of permissiveness' and 'social issues', which are considered with contempt by societies that are more 'traditional'.

Claiming that the notion of 'responsibility' underlines the world's 'major faiths' and 'value systems' and raising the idea of balancing human rights with responsibilities, he argued that 'double standards' were reflected in the drafting of the UDHR and have endured in contemporary times (UNGA, 1998b).

It has been argued that, until the late 1980s, authoritarian states in East and South East Asia had sought to justify violations of civil and political rights within their jurisdictions on the basis of communist ideas, therefore perceiving to be immune from international scrutiny of their authoritarian political systems, but that the end of the CW had brought an end to such perceived immunity, and universal claims on human rights, thus, came to be regarded as the imposition of Western norms (Clapham, 1998). Fearing the consequences of international human rights law on their competitiveness in the framework of international trade, brought about by economic globalisation, these states, arguably, claimed to detect in the emphasis on human rights a 'Western conspiracy' to undermine newly developing economies (Clapham, 1998).

The cultural relativist 'Asian values' argument challenging the legitimacy, validity, relevance and universality of human rights, arguably, created the perception of a more 'permissive' international political opportunity structure, favouring transnational advocacy efforts for human responsibilities (Berthrong, 2003:199; Busby, 2007:252; Clapham, 1998; Korey, 1998:469; Meyer & Staggenborg, 1996:1636). It is likely that initiatives for human responsibilities benefited from this Post-CW climate of criticism of universal human rights and the accompanying renewed focus on 'Asian values' and preference of individuals' responsibilities over rights (Berthrong, 2003:199; Clapham, 1998; Korey, 1998:469).

Indeed, a number of transnational campaigns for human responsibilities adopted an explicit stance regarding the issue of 'Asian values' or the 'Asian concept of human rights' (Clapham, 1998; IAC, 2008; Korey, 1998:469). For instance, the IAC (1998) has asserted that, while the UDHR reveals the 'cultural' and 'philosophical' traditions of the Western victors at the close of WWII, the IAC Declaration is envisioned to revive concepts of 'responsibility' and 'community',

characteristic of Eastern traditions (Clapham, 1998). In turn, this study portrays that, while Western actors generally rejected the claims of human responsibilities initiatives, Asian states typically were amongst their strongest supporters (Giacomazzi, 2005:165; IAC, 1998; UNGA, 1998b). Indeed, Mahbubani made mention of the IAC Declaration at the UNGA (1998b), and a number of Asian governments, since, have expressed a 'willingness' to 'co-sponsor' the document at the UN (IAC, 1998; McGregor, 2013:10).

Furthermore, a number of LMG delegates at the UNCHR have offered relativist objections to the concept and practice of human rights. Indeed, during the 2004 session of the UNCHR, a number of LMG states, such as Cuba and various developing Islamic, African and Asian states, contended that Western democracies tended to politicise their 'criticism' of other states' 'human rights performances', to place greater emphasis on 'civil' and 'political rights' than on 'economic' and 'development rights' and to inflict Western 'cultural standards' and 'governmental systems' on other states (UN Information Service, 2004). Moreover, a number of Asian states, most notably including China as a member of the LMG, were amongst the strongest supporters of the DHR at the UNCHR during the early 2000s (Yishanat, 2004; UNCHR, 2005a:37). The LMG emphasised a need to balance Western notions of rights with the idea of the individual responsibility, reflected in cultures, including those of Asian states (UNCHR, 2005a:37). Thus, human responsibilities initiatives used the opportunity brought about by the 'Asian values' claim to strengthen political alignments regarding the issue of human responsibilities and to raise its public profile and salience.

2.5.2. The Debate on the Duties of Individuals while Drafting the Declaration on Human Rights Defenders (1998)

Another opportunity created by advocates for human responsibilities to strengthen 'political alignments' concerning the issue and to raise its 'public profile' and 'salience' occurred during the drafting of the DHRD (Clapham, 1998; Knox, 2008:35; Meyer & Staggenborg, 1996:1634; UNCHR, 1993; UNGA, 1998a). Creating

an opportunity through a contentious discussion at a working group drafting the DHRD in 1993, LMG delegates advocated for the inclusion, within the text of the declaration, a clarification on individuals' duties under the IBR (UNCHR, 1993). Delegates representing the LMG used the opportunity to advocate for a greater emphasis on individuals' responsibilities under international human rights law (Knox, 2008:35; UNCHR, 1993).

At the working group in 1993, the lines of political alignment, regarding the issue of human responsibilities, became evident, as proponents of human responsibilities had become assured that they had strong support within the LMG concerning the issue (UNCHR, 1993). Future advocates for the DHSR, particularly Chinese and Cuban delegations including Cuban delegate Martínez, had found sympathetic partners and allies, thus achieving a key stage of interceding for the issue (Hovey, 1997:216; Knox, 2008:35; UNCHR, 1993). It also became clear who, later, would oppose the initiatives, not only of the LMG to advocate for human responsibilities, but also that of the IAC (UNCHR, 1993). At the working group in 1993, Western delegations and observers representing human rights organisations such as AI and the ICJ, voiced strong opposition to the views on human responsibilities raised by LMG delegates (UNCHR, 1993). The contentious debate on the role of rights and responsibilities at the working group, arguably, altered the political opportunity structure on the issue of human responsibilities, and the perceived 'window of opportunity', later, led the LMG to advocate for the adoption by the UNGA of the DHSR (Meyer & Staggenborg, 1996:1634-1635).

2.5.3. Focusing Events employed by Advocates for Human Responsibilities

A number of initiatives advocating for human responsibilities, including those of the IAC and UNESCO, raised the 'public profile' and 'salience' of the issue of human responsibilities by magnifying the upcoming international historical event of the fiftieth anniversary of the adoption of the UDHR (Busby, 2007:253; Meyer & Staggenborg, 1996:1634). Later, UNESCO, similarly, took advantage of the upcoming new millennium to refocus attention on the issue of human responsibilities.

Advocates for human responsibilities made use of these 'focusing events', particularly that of the fiftieth anniversary of the adoption of the UDHR, as 'windows of opportunity' to address supposed deficiencies within the document, by proposing that 'balancing' human rights with human responsibilities would enhance human rights, both theoretically, or conceptually, and practically (Busby, 2007:253; Meyer & Staggenborg, 1996:1634).

By exploiting and amplifying this 'critical event', thus placing added significance on it and influencing the extent to which it would be considered as 'momentous', advocates for human responsibilities forced public 'attention' on the issue of human responsibilities and, in turn, altered the political opportunities available to them (Busby, 2007:253; Meyer & Staggenborg, 1996:1634, 1638). International relations theorist Joshua Busby (2007:253) argues that the 'expiration date' of a transnational campaign, further, can serve to 'concentrate attention' on it. Thus, by advocating for the adoption of a universal declaration of human responsibilities at the 1998 session of the UNGA, timed to coincide with the fiftieth anniversary of its adoption of the UDHR, or with the start of the millennium in the case of UNESCO, campaigns sought to 'concentrate attention' on the issue of human responsibilities (Busby, 2007:253).

'Regularly scheduled' meetings, such as international conferences, also served to focus attention, hence the significance of the successful attempt of the ICHD (2013) to obtain special NGO consultative status with ECOSOC in 1997 (Busby, 2007:253). Similarly, the 'regularly scheduled' sessions and meetings of the UNCHR, including the 1993 working group that drafted the DHRD, provided opportunities for proponents of human responsibilities to raise the issue (Busby, 2007:253; UNCHR, 1993). Particularly during the period between 2000 and 2005, when the issue was on the agenda of the UNCHR, its proponents significantly had increased their opportunities to influence fellow decision-makers to develop a policy on the issue, thus altering the 'relative openness' of the international political opportunity structure on the issue (Busby, 2007:252-253; Meyer & Staggenborg, 1996:1636).

2.5.4. Collective Action Frames used by Transnational Campaigns for Human Responsibilities

The strategies and ‘tactics’ adopted by human responsibilities initiatives have been shaped both by their ‘organisational needs’ and by broader ‘political’ and ‘cultural’ contextual factors (Meyer & Staggenborg, 1996:1649). Such initiatives have encountered ‘institutionally-oriented’ constraints and ‘extra-institutional’ contextual limitations, including the ‘polarisation’ of targeted audiences on the issue of human responsibilities, thus reflecting the significance of cultural, ideological and value-based ideas in potentially influencing policy outcomes (EU, 2005; Meyer & Staggenborg, 1996:1650; UNCHR, 1993, 2003b:2-3).

The ‘extra-institutional’ tactics used by advocates for human responsibilities have included their use of collective action frames to draw attention to the issue of human responsibilities (Meyer & Staggenborg, 1996:1650). By framing the issue within a particular social setting, advocates attempted to explicate ‘broader social meanings’ (Payne, 2001:43). Transnational campaigns for human responsibilities commonly have framed the concept of human responsibilities as compatible with and supplementary to universal human rights (IAC, 1996, 1997, 1998; Suter, 2012:51). Indeed, the overarching objective of these campaigns has been to propose a declaration of human responsibilities to ‘complement’ and ‘strengthen’ the UDHR (IAC, 1997; Suter, 2012:51).

In order to situate the issue of human responsibilities within a ‘broader social and historical setting’, advocates for human responsibilities generally have framed the issue as a cultural relativist claim that Western notions of human rights are incomplete without human responsibilities and that a dominant focus on human rights, ultimately, ‘deemphasises’ duties and responsibilities, which are reflected in alternative cultural traditions and interpretations on human rights (Giacomazzi, 2005:169-170; Passini, 2011:281; Payne, 2001:43; Steiner & Alston, 2000:335; UNCHR, 2003b:11). Such relativists point to the constitutional provisions of various states, which give attention not only to rights, but also to individuals’ duties and responsibilities, as well as to regional declarations and treaties, such as the ADRDM

and the 'Charter on Human and People's Rights', also referred to as the 'Banjul Charter', of the African Union (formerly the Organisation of African Unity), which was adopted on June 27, 1981, and entered into force on October 21, 1986 (OAS, 1948; OAU, 1981; UNCHR, 2002a:17).

These critics contend that domestic law and public discourse of Western states, particularly the US, conversely lack the views that each individual owes duties to others and that 'civic' responsibility should be promoted (Flynn, 2005:252; Passini, 2011:281; Steiner & Alston, 2000:335). They argue that rights, particularly increased civil rights protections since the 1960s, are at fault (Steiner & Alston, 2000:335). The issue of human responsibilities, thus, easily could be 'grafted' onto such 'pre-existing' cultural relativist claims, such as the 'Asian values' argument emerging in the 1990s (Berthrong, 2003:199; Carpenter, 2007:103-104; Clapham, 1998; Flynn, 2005:245; Korey, 1998:469).

However, due to the stark polarisation in international perspectives on human responsibilities, appealing to cultural relativist claims has meant simultaneously inviting criticism from Western governments and civil society members, including the media and international human rights organisations (IAC, 1998; EU, 2004, 2005; Giacomazzi, 2005:165). Thus, not only have these campaigns lacked the necessary Western support that they necessarily have sought, but they also have been forced to begin their advocacy efforts on the defensive. Since the very emergence of their campaigns, they have had to attempt to persuade target audiences of the salience of the issue of human responsibilities, while simultaneously having to maintain their defence that they do not intend to weaken the UDHR or any other international human rights instrument (IAC, 2008). Advocates for human responsibilities have faced 'automatic' constraints to their political opportunities, as human rights defenders have been suspicious that efforts seek to 'undermine' and 'weaken' the international human rights legal framework (AI, 1998:1-5; Clapham, 1998; EU, 2004, 2005; Meyer & Staggenborg, 1996:1642).

Another common frame used by transnational campaigns for human responsibilities has been to define such responsibilities as 'morally' binding, rather

than 'legally' binding (Clapham, 1998; IAC, 1998). For instance, the IAC (1998) has attempted to persuade critics that the IAC Declaration is conceptualised as a 'moral' or ethical 'appeal', rather than a document with a direct binding character of international law. In his study on human rights and human responsibilities, Martínez also referred to the 'moral' and 'ethical' nature of individuals' duties and responsibilities, as opposed to the legally-binding obligations of states under international human rights law (UNCHR, 2002a:9).

While all UN declarations, by nature, are not legally binding, the UDHR, in contrast to proposed declarations of human responsibilities, was envisioned as early as the 1940s to be the first phase in creating an international human rights legal framework, which would assign obligations to states and hold them accountable for the protection, promotion and fulfilment of human rights (Conforti, 2005:300; Rimmer, 2010:21; Risse & Ropp, 1999:234). Indeed, Knox (2008:32) argues that, while the DHSR claims to list 'moral', rather than 'legal' responsibilities, it was drafted in the style of human rights instruments and claims that such responsibilities are 'equal' in 'value' and significance to 'legally' accepted human rights and that the adoption by the UNGA of such a declaration, therefore, could signal the development of a 'legal standard' on human responsibilities and affect the interpretation of pre-existing 'standards' (Knox, 2008:32). Thus, not only is the envisioning of a UN declaration, comprising morally or ethically binding human responsibilities, 'inconsistent' with international human rights law, but also has the 'potential' to 'undermine' internationally recognised human rights (Clapham, 1998; EU, 2004, 2005; Hammarberg, 1999:iii).

Another major inconsistency between proposed universal declarations of human responsibilities and international human rights instruments concerns the primary actors to which they assign duties, responsibilities or obligations (Clapham, 1998; Hammarberg, 1999:i). While the approach of advocates for human responsibilities typically has been to frame human responsibilities in relation to human rights, the more important and, often, less regarded issue is the extent to which individuals normatively should bear duties or responsibilities for the fulfilment of human rights (Clapham, 1998; Hammarberg, 1999:i; Steiner & Alston, 2000:337).

Thus, the main point of contention regarding the issue of human responsibilities concerns not the existence and necessity for individual responsibility, but rather the primary actors to which obligations for the promotion and protection of human rights should be assigned (Clapham, 1998). As the 'approach' of international human rights law typically has been to assign such obligations to states, proposed declarations of human responsibilities have been considered incompatible with the international human rights framework (Clapham, 1998; Hammarberg, 1999:i).

Normative claims concerning human responsibilities generally lack 'legitimacy' in the perspectives of their targeted audiences (AI, 1998:2, 2005:43; Clapham, 1998; Florini, 1996:376; Hammarberg, 1999:iii). Drawing on the terminology proposed by theorist Thomas Franck, norm evolution theorist Ann Florini (1996:276) argues that the 'legitimacy' of a new norm depends on its 'determinacy' and 'coherence'. In terms of the 'determinacy' of claims regarding human responsibilities, proposed declarations of human responsibilities contain 'vague', unspecific and 'ill-defined concepts', thus creating 'confusion' with regard to their intended adherents, and arguably are not applicable to existing standards of 'justice' and 'reason', by which the 'rule of law' is regarded as more appropriate (AI, 1998:1-5; Florini, 1996:376; IJM, 2013).

With regard to the 'coherence' of normative claims regarding human responsibilities, the issue, arguably, is not 'logically' associated with its 'principled' function of enhancing human rights protection, nor is it 'logically' associated with 'principles' usually adopted to resolve 'similar' issues, as the dominant 'approach' of international human rights law is to assign primary obligations for the fulfilment of human rights to states, rather than to individuals (Florini, 1996:376; Giacomazzi, 2005:173; Hammarberg, 1999:i; Knox, 2008:1). Furthermore, the issue is not 'logically related' to 'principles' usually used to solve such problems, as creating a UN declaration is not the conventional way to address 'ethical' and 'moral' issues (AI, 2005:43; Florini, 1996:376). UN declarations, while not legally binding, are normative components of the legal framework of international human rights (Conforti, 2005:300; Rimmer, 2010:21; Risse & Ropp, 1999:234).

Proposed declarations of human responsibilities do not 'fit coherently' with 'pre-existing' international human rights 'standards' (Carpenter, 2007:104; Clapham, 1998; Finnemore & Sikkink, 1998:908; Florini, 1996:376-377). Advocates for human responsibilities are required effectively to 'make the case' that their normative claims concerning human responsibilities are either 'logical extensions' or 'necessary' amendments to international human rights law (Florini, 1996:377). However, the focus of proposed declarations on ethical or moral duties and responsibilities of individuals is not reflective of the traditional 'approach' of international human rights law, which assigns legal obligations for human rights protection to states (Clapham, 1998).

2.6. The Partial Success of Advocacy Efforts for Human Responsibilities?

While the political outcomes of human responsibilities campaigns have not matched their objectives of having a universal declaration of human responsibilities adopted by the UNGA, the initiatives addressed by this dissertation, particularly those of the IAC and the LMG, arguably, were perceived by their opponents as partially successful, as they effectively set the issue of human responsibilities on the international agenda (Meyer & Staggenborg, 1996:1644). Successfully generating 'political openness' on the issue of human responsibilities and raising its 'public profile' and 'salience', human responsibilities initiatives gained the 'attention' of the press and 'policymakers', thus opening a 'policy window' on the issue and creating opportunities for 'institutional action' by a number of advocates lobbying for the issue (Busby, 2007:252; Meyer & Staggenborg, 1996:1635).

While partial successes for human responsibilities campaigns could have served to further their development, by creating 'tactical opportunities' and anticipation of 'further success', opportunities for 'counter-tactics', simultaneously, emerged (Meyer & Staggenborg, 1996:1644-1645). The potential 'gains' for advocates lobbying for human responsibilities, including the potential adoption by the UNGA of a universal declaration of human responsibilities, simultaneously generated firm opposition from Western state and non-state actors, such as the press and

human rights defenders, whose 'interests' were perceived to be 'threatened' by such potential 'gains' (AI, 1998; Giacomazzi, 2005:172; IAC, 1998; Meyer & Staggenborg, 1996:1638). Indeed, the issue of human responsibilities was perceived as 'symbolising' an entire set of human rights-related 'values', which concerned the entire international human rights legal framework and, thus, 'threatened' a wide range of actors, who opposed the issue for a number of reasons (AI, 1998; EU, 2004, 2005; Giacomazzi, 2005:172; IAC, 1998; Meyer & Staggenborg, 1996:1639; Robinson, 1998a:120).

As resistance to a campaign is 'sustainable' to the extent that opponents are able to frame the dissension as reflecting broad societal 'value cleavages', the effectiveness of counter-campaigns to human responsibilities initiatives is due, in part, to their ability to frame their disagreement with such initiatives as reflecting a broader societal 'value cleavage', namely a common interest in effective human rights protection (Meyer & Staggenborg, 1996:1639). They argued that a focus on human responsibilities would 'undermine' and 'weaken' human rights and fundamental freedoms and, thus, were able to gain broad-based support for their 'counter-frame' (AI, 1998:1-5; EU, 2004, 2005).

2.7. Conclusion

This chapter has advanced the proposition that the initiatives of the IAC in the 1990s and the LMG in the 2000s were partially effective, to the extent that they were able to set the issue of human responsibilities on the international agenda. The partial successes of the strategies and tactics adopted by such initiatives, in addition to the availability of opportunities facilitating such activities, have been presented with reference to the international political opportunity framework. The extent to which the partial effectiveness of such initiatives raised alarm and counter-mobilisation by Western state and non-state actors, who perceived the potential for the success of such initiatives and, thus, decisively intervened to prevent the development and adoption by the UNGA of a universal declaration of human responsibilities, is discussed in the following chapter.

Chapter 3

Challenges encountered by Transnational Campaigns for Human Responsibilities

3.1. Overview

Identifying counter-campaigns as effective in obstructing the development of a UN declaration on human responsibilities, this chapter provides some historical background on the activities of opponents to transnational campaigns for human responsibilities and considers the opportunities, strategies and tactics employed by such opposing initiatives, which, ultimately, served to facilitate their success. The chapter, subsequently, discusses the ongoing challenges encountered by contemporary human responsibilities campaigns, considering the severely limited political opportunities available to them, due to the constant potential for 'counter-mobilisation' by an array of unrelentingly firm opponents to their key objectives.

3.2. An Overview of Significant Initiatives to Counter Transnational Campaigns for Human Responsibilities (1990s–2000s)

While there generally has been a lack of sufficient support for the transnational campaigns for human responsibilities addressed by this dissertation, the initiatives of the IAC and the LMG actually attracted a significant amount of opposition (AI, 1998, 2005:43; EU, 2004, 2005). Arguably, these two initiatives were the most prominent and seemed most likely to succeed, thus 'threatening' the 'interests' of their opposition (AI, 1998; EU, 2004, 2005; IAC, 1998; Meyer & Staggenborg, 1996:1635; Robinson, 1998a:120). Indeed, the common primary objective of such campaigns to propose a universal declaration of human responsibilities to the UNGA for adoption 'threatened' the 'interests' of a number of actors, including Western governments and members of Western civil society, including the press and human rights defenders (AI, 1998; EU, 2004, 2005; Giacomazzi, 2005:172; IAC, 1998; Meyer & Staggenborg, 1996:1635; Robinson, 1998a:120).

The emergence of effective counter-campaigns to advocacy efforts for human responsibilities, further, can be attributed to the availability of 'political allies', particularly 'political elites', who were able to take advantage of their positions and 'organisational platforms' to take action against these initiatives in various ways (AI, 1998; EU, 2004, 2005; Finnemore & Sikkink, 1998:899; Meyer & Staggenborg, 1996:1635). A significant number of states and prominent international human rights NGOs persistently have opposed the regulation of responsibilities or duties of individuals to the community (AI, 1998, 2005:43; Clapham, 1998; EU, 2004, 2005). They argue that such regulation potentially could jeopardise and 'undermine' human rights standards and the rights of human rights defenders, thus 'weakening' state obligations to protect, respect and fulfil human rights (AI, 1998:1-5; EU, 2004, 2005).

3.2.1. Opposition to the IAC Universal Declaration of Human Responsibilities

There has been widespread opposition to the IAC Declaration among Western governments and members of Western civil society, including prominent international human rights NGOs and activists, the media and influential academics (AI, 1998; Clapham, 1998; Koh, 1998; Robinson, 1998a:120). When in September, 1997, the IAC Declaration was forwarded to heads of state and government, Western governments generally contended that 'oppressive regimes' could 'misuse' the declaration, by embracing the notion of human responsibilities as a 'substitute' for the fulfilment of human rights, thus 'undermining' and 'weakening' the international human rights framework (AI, 1998:1; Giacomazzi, 2005:172; IAC, 1997, 1998; Suter, 2012:47). A similar view was conveyed at a number of public presentations in Australia, at which participants, responding to the proposed idea of a UN declaration on human responsibilities, expressed 'suspicion' that initiatives for human responsibilities were intended to prevent advancement in international human rights protection (Suter, 2012:51).

On January 27, 1998, almost five months after the publishing of the IAC Declaration, former Irish President Mary Robinson (1944–), who recently had been appointed as UNHCHR, gave attention to the IAC Declaration at the 'Symposium on

Human Rights in the Asia-Specific Region' at the University of Tokyo, Japan (Robinson, 1998a:117). Although acknowledging the important 'insights' brought to the UDHR by the initiatives of the IAC and other proponents of human responsibilities and recognising the necessity of a renewed 'focus' on 'duties' and 'obligations', Robinson (1998a:120) made a persuasive argument that it would be 'wise' to evade the 'distraction' of adopting a 'new declaration' and, rather, to maintain a focus on the UDHR and other international human rights instruments.

Among the international human rights community, AI (1998) was a key actor opposing the proposed IAC Declaration. In April, 1998, AI (1998:1, 4) published an influential article, which expressed agreement on a few sections of the declaration but argued, ultimately, that it 'undermined' and 'weakened' the UDHR and related human rights standards, but introducing 'vague' reformulations of human rights. AI (1998:1, 6-7) concluded that the IAC Declaration was not complementary to the UDHR and offered no significant 'contribution' to more pertinent 'discussions' at the UN, calling, instead, for a renewed focus on states' obligations for the fulfilment of human rights and for the adoption by the UNGA of the DHRD at its upcoming session in December, 1998. Expressing a similar view, Swedish Ambassador and former AI Secretary-General Thomas Hammarberg (1998), who has been described by Robinson (1998b) as an enduring 'defender' of human rights, argued in 1999 that, rather than serving to balance human rights, the IAC Declaration, as a 'parallel' declaration, would create an 'imbalance' and 'confusion' regarding the importance of the UDHR, as well as potential opportunities for governmental authorities to concentrate solely on responsibilities and duties, while repressing rights (Hammarberg, 1999:iii).

The ICJ, too, expressed criticism on the IAC Declaration (Clapham, 1998). At the ICJ Triennial Meeting, held in July, 1998, in Cape Town, South Africa, the IAC Declaration was addressed by British activist and international legal professor Andrew Clapham (1962–) (1998), who, until 1997, had been an observer for AI at the UNCHR and likely was involved in the contentious debate on the relationship between rights and duties at the 1993 working group drafting the DHRD (UNCHR, 1993). Clapham (1998) argued that the emphasis of the declaration on responsibility

is not reflective of the traditional 'approach' of 'international human rights law', which assigns obligations for individuals' rights to states, which they are to 'respect' within their 'jurisdictions'. He argued that concepts of responsibility and community emphasise 'transnational solidarity' and the addition of an 'ethical' aspect to 'international relations' and that the IAC was departing from 'law' by adopting ethical principles that cannot 'fit comfortably' within the international human rights legal framework (Carpenter, 2007:104; Clapham, 1998; Finnemore & Sikkink, 1998:908; Florini, 1996:376). While suggesting that a lesser emphasis on states' obligations would 'dilute' and, ultimately, 'undermine' the international human rights framework, Clapham (1998) refocused on law enforcement, noting the significant involvement of the ICJ in the, then, recent establishment of the International Criminal Court (ICC).

A number of prominent and influential legal academics, including Clapham and Dutch jurist and Professor Emeritus Theodore Van Boven (1934–), also, have addressed the topic of individuals' responsibilities (UNCHR, 2002a:23-24). While acknowledging that the IAC Declaration presents some useful ideas, Van Boven has expressed criticism on its failure to identify the significance of economic globalisation and the consequential increasing power of 'economic' actors, who should be assigned appropriate 'responsibilities' and 'duties' in the field of human rights (Clapham, 1998; UNCHR, 2002a:23). Arguing that the fundamental aspect of 'corporate responsibility', for the most part, is disregarded within the IAC Declaration, Van Boven concludes that, if the IAC actually intends to respond to globalisation, it should address the consequences of the 'market' for rights, particularly those of vulnerable populations, and the 'accountability' of non-state actors (Clapham, 1998).

While addressing issues relating to social inequality in a speech at the University of Cape Town in August, 2013, incumbent British MP and Deputy Leader of the Liberal Democratic Party Simon Hughes (1951–) (2013) argued, similarly, that neglect of such corporate responsibility poses greater challenges to wealth equality than does that of individual responsibility. As an aside, it is interesting to note that in 2003, at the time when Martínez proposed the DHSR, the UNCHR considered, also, the 'Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights' (NRTC), a proposal of codified

duties of corporations and businesses (Knox, 2008:1; UNCHR, 2003a). However, the NRTC, like the DHSR, received limited support, and also was not adopted by the UNCHR before its replacement by the UNHRC in 2006, nor has it been considered by the new human rights body since that time (Knox, 2008:1).

Following on from earlier criticisms of proposed declarations of human responsibilities, academic and human rights legal expert John Knox (2008:33), more recently, has expressed further objections to the IAC Declaration. Reiterating the argument of Australian legal academic Ben Saul, he contends that, although the document adopts the rhetoric of 'correlative duty' at times, such 'correlations' are 'ambiguous', 'imprecise' and 'incomplete', thus having the potential to result in 'confusion' regarding pre-existing 'correlative duties' and, ultimately, to weaken such duties (Knox, 2008:33-34). Restating the arguments of previous opponents to the claims made by human responsibilities initiatives, he explains that such a universal declaration of specific 'converse duties' would be unnecessary in enhancing the enforcement by states of duties already codified under domestic laws and argues that such duties, instead, would weaken, undermine and 'restrict' existing rights, as well as the duties that usually are derived from such rights (AI, 1998:1-5; Clapham, 1998; Knox, 2008:33-34).

The IAC Declaration, also, generally was resisted by the Western press (Giacomazzi, 2005:173; IAC, 1998). The World Freedom Press Committee (WFPC) sent a 'joint letter' to the UNSG, expressing concern regarding the 'freedom of the press' (IAC, 1998). Referring to Article 14 of the IAC Declaration, which states that the 'freedom' of the press to 'inform the public' and to 'criticise' societal 'institutions' and 'governmental actions' should be utilised with 'responsibility' and 'discretion' and that such 'freedom' should be accompanied by a 'responsibility' for 'reporting' that is 'accurate' and 'truthful', members of the Western media expressed concern about who would judge such responsible journalism (Giacomazzi, 2005:165; 173; IAC, 1997, 1998). AI (1998:4) argued, similarly, that a number of 'ill-defined' and 'vague' concepts had been included in the document. Furthermore, prominent news companies expressed criticism of the IAC Declaration in articles published at the time. For instance, on December 10, 1998, the New York Times published an article,

stating that the IAC Declaration, while claiming to complement the UDHR, ultimately aroused much suspicion and opposition in the Western human rights community and that there had been a lack of consensus on the merit of the document (Koh, 1998).

3.2.2. Opposition to the UNCHR-Sponsored Pre-Draft Declaration on Human Social Responsibilities

Throughout the deliberations, concerning the study on human rights and human responsibilities at the UNCHR during the period between 2000 and 2005, there was firm opposition toward the issue from Western delegacies and influential human rights defenders, who persistently rejected the proposal to draft a UN declaration on human responsibilities (EU, 2004, 2005). In reviewing the responses to the questionnaire included in his 2002 'Preliminary Report on Human Rights and Human Responsibilities', Martínez had found a lack of responses from NGOs and, once having inquired into the issue, learned that the OHCHR, for some reason, may have failed to send the questionnaire to them (UNCHR, 2002a:19, 32; 2003b:2).

While the number of governmental responses to the questionnaire was relatively low, they reflected an evident division between developed states of the Global North, whose responses opposed a formal correlation between individuals' rights and responsibilities, and developing states of the South, whose replies acknowledged such a correlation (UNCHR, 2003b:2-3). Polarisation on the issue also was evidenced during the discussions that took place during Martínez's working visits to European cities, such as Brussels and Madrid, as well as during his discussions with governmental officials and civil society members of Asian and African states (UNCHR, 2003b:3).

When, in April, 2004, Chinese and Cuban delegates, on behalf of the LMG, requested that the OHCHR determine general views on the DHSR, Western states unanimously expressed firm opposition to the proposal (UNCHR, 2004b:82-83, 2005a). Nevertheless, the resolution was adopted by one vote, again reflecting stark polarisation on the issue (UNCHR, 2004b:82; UN Information Service, 2004). At the

2004 ECOSOC Annual Substantive Session, the Dutch delegate, on behalf of the EU (2004), again, expressed strong opposition to the decision by the UNCHR to request the OHCHR to compile the report and presented a counterproposal in the form of a draft decision, supported by forty-one delegations including the UK, Germany, Mexico and the US, requesting ECOSOC, the parent body of the UNCHR (UNCHR, 2004b:82-83), to 'overturn' the decision.

On behalf of the EU (2004), firm opposition to the resolution was expressed on both 'substantive' and 'procedural' grounds. The Dutch delegate argued that, unlike the study on human rights and human responsibilities, the DHSR had not been mandated by the UNCHR (EU, 2004). While not disputing the existence of duties and responsibilities, the German delegate opposed any attempt to render human rights 'conditional' on the performance of duties (EU, 2004). Although all of the responses to the inquiry into the views of non-state and state actors on the DHSR, excepting those of China and Cuba, were 'overwhelming' critical, the draft decision presented by the Dutch delegate was rejected by one vote (EU, 2004; UNCHR, 2005a:36).

When, at the final meeting of the UNCHR (2005a, 2005b:15) in April, 2005, China, on behalf of the LMG, introduced another resolution, requesting Martínez to prepare a revised 'version' of the DHSR for its consideration, the resolution was adopted by one vote and, initially, was endorsed, also, by ECOSOC (UN, 2005; UNCHR, 2005c:341). In a press release issued on April 22, 2005, AI (2005:43) expressed 'regret' that the resolution had been adopted, contending that the UNCHR was an inappropriate setting to consider 'moral' and 'ethical' matters relating to individuals' societal duties and responsibilities. AI (2005:43) argued, further, that attempts to draft such a declaration at the UNCHR had the potential of being 'exploited' by governments attempting to disqualify existing 'internationally' accepted 'standards', to evade their fundamental human rights obligations to individuals within their jurisdictions and to hinder the activities of human rights defenders.

When, at the 2005 ECOSOC Annual Substantive Session, the delegate of the UK, on behalf of the EU (2005), called for a vote to reconsider the proposal to further

the study on human rights and human responsibilities, the British delegate argued that human rights are 'inalienable' and 'inherent' in each person and that a focus on individual responsibilities could 'undermine' the 'universality' of human rights (EU, 2005). Delegates representing the EU (2005) commonly rejected the idea that states should determine the rights that could be enjoyed by individuals, which, they argued, ultimately, would 'undermine' the UN Charter and the UDHR. It was argued that ECOSOC, as the parent body of the UNCHR, had the duty to assess the decisions of the UNCHR and, if necessary, to reject resolutions that undermined fundamental UN principles (EU, 2005). ECOSOC (2005a) rejected, by two votes, the draft decision presented by the British delegate, thus discontinuing the development of the DHSR and the study on human rights and human responsibilities (EU, 2005).

Since that time, a number of prominent and influential legal academics, who previously had voiced concerns about the IAC Declaration in the 1990s, have raised similar concerns about the DHSR. Indeed, Knox (2008:1-2, 32-35) has expressed firm opposition to the DHSR, arguing that the 'principles' detailed within the DHSR are potentially harmful to human rights instruments and that the document contains 'vague' formulations of responsibilities, having the potential to 'limit', 'weaken' and 'undermine' the international human rights legal framework (Clapham, 1998).

3.3. Opportunities and Strategies used by Initiatives Challenging Transnational Campaigns for Human Responsibilities

In seeking to explain the emergence, strategies and political outcomes of initiatives challenging human responsibilities campaigns, it, first, is necessary to consider the political and cultural contexts in which such opponents emerged. Human responsibilities initiatives, particularly those of the IAC and the LMG, to some extent, seemed to be potentially successful, as they effectively set the issue of human responsibilities on the international agenda (AI, 1998, 2005:43; Clapham, 1998; Meyer & Staggenborg, 1996:1635; Robinson, 1998a:120). The 'interests' of Western governments and civil society members, including the international human rights community and the press, were 'threatened' by the objective of proponents of

human responsibilities to see the adoption of a UN declaration on human responsibilities (Giacomazzi, 2005:172; IAC, 1998; Meyer & Staggenborg, 1996:1635).

Furthermore, 'allies', including both state and non-state actors, were 'available' to support opposing initiatives (IAC, 1998, 2005; EU, 2004, 2005; Meyer & Staggenborg, 1996:1635). The following section seeks to portray the ways in which 'positions' of political elites, possible 'routes' of collective 'action' and the probability of effectiveness influenced the opportunities available for 'counter-mobilisation' and the 'strategies' and 'tactics' selected by opponents (Meyer & Staggenborg, 1996:1643).

3.3.1. Favourable Contextual Factors for Initiatives Challenging Transnational Campaigns for Human Responsibilities

The factors that constrained the opportunities available to initiatives advocating for human responsibilities, simultaneously, created favourable conditions for their opponents (Busby, 2007:252). Both 'institutionally-oriented' and 'extra-institutional' aspects of the international political opportunity structure, arguably, were 'permissive' to such opposing initiatives (Busby, 2007:252; Meyer & Staggenborg, 1996:1650). As the claims of proponents for a universal declaration of human responsibilities have tended to lack 'credibility', initiatives challenging transnational campaigns for human responsibilities relatively easily have been able to counter such claims (Al, 1998:2; Busby, 2007:253; Clapham, 1998; Hammarberg, 1999:iii).

The common overarching objective of proponents of human responsibilities to have a universal declaration of human responsibilities adopted by the UNGA have not 'fit comfortably' within the international human rights legal framework for a number of reasons (Carpenter, 2007:104; Clapham, 1998; Finnemore & Sikkink, 1998:908; Florini, 1996:376). The IAC (1997, 1998) has emphasised that its declaration is 'morally binding', rather than 'legally binding', and Martínez, similarly, focused on 'moral' and 'ethical' responsibilities and duties (UNCHR, 2002a:9).

Regarding the question of the role of ethical or moral duties and responsibilities under international human rights law, opposing initiatives have referred to the legality of the international human rights framework, to the establishment in 1998 of the ICC and to the need for all states to ratify 'international human rights treaties' (AI, 1998:7; Clapham, 1998; Robinson, 1998b). While arguing that proponents of human responsibilities have tended to 'conflate' law with ethics, opposing initiatives have emphasised the importance of the 'rule of law' in providing international human rights protection (AI, 1998:7; Clapham, 1998). Indeed, international human rights NGOs, including the ICJ, AI (1998:2-3, 2005:43) and the International Justice Mission, have maintained their focus on legally enforceable obligations, primarily those of states, for the fulfilment of human rights protection, rather than to address 'ethical' or 'moral' duties of individuals (Clapham, 1998; IJM, 2013).

Another way in which such declarations of human responsibilities lack 'resonance' with international human rights law lies in their defining characteristic of assigning responsibilities and duties to individuals (Finnemore & Sikkink, 1998:908; Florini, 1996:377; Payne, 2001:43). Conventionally, obligations for the fulfilment of individuals' human rights are assigned to states, whereas proponents of human responsibilities have underlined specific responsibilities and duties of individuals, which go beyond the arguably necessarily unspecific 'duties to the community' under Article 29(1) of the UDHR (Clapham, 1998; Giacomazzi, 2005:173; Hammarberg, 1999:i).

Concerning the question of individual responsibility, opponents to human responsibilities campaigns have countered the claims of such campaigns, by arguing that the role of individual responsibility under international human rights law is not a theoretical issue but one of 'emphasis' (Clapham, 2008). Such counter-campaigns have reaffirmed the traditional focus on international human rights law on state obligations, rather than individual duties, as prime in the fulfilment of international human rights protection, by referring to the IBR, the VCLT (1969) and more recent international human rights instruments, including the VDPA, which commonly affirm that states, rather than individuals, are the primary bearers of obligation for human

rights protection (Al, 1998:6-7; Clapham, 1998; Hammarberg, 1999:i-iii; UN, 1993; UNGA, 1993a).

Advocates for human responsibilities have justified their focus on the issue by questioning the 'universality' of human rights (Clapham, 1998). Arguing that the UDHR is not reflective of Asian cultures, they reiterate the cultural relativist claim regarding the contrast between Western human rights principles and 'Asian values', which emphasise individual duty and responsibility (Berthrong, 2003:199; Clapham, 1998; Flynn, 2005:245; Korey, 1998:469). With regard to the universality of human rights, opposing initiatives have referred to the VWCHR, at which the UDHR and the universality of human rights were 'reaffirmed' via the adoption of the VDPA (Bell, 1994:21; Clapham, 1998).

Furthermore, South Sudanese academic and diplomat Francis Deng (1938–) argues that it is abusers of 'human rights principles' and their proponents, rather than 'victims' of such violations, who raise the cultural 'relativist' claim against universalist principles (Clapham, 1998). Asserting the 'normative' argument that relativist claims cannot be employed as excuses for human rights violations, he contends that each 'diverse culture' should be regarded as a 'unique opportunity' to reinforce standards of international human rights law with 'culturally-specific principles' of upholding human dignity (Clapham, 1998). Responding to the relativist claim that democratic principles and values are 'Western exports', incumbent US President Barack Obama (1961–) (2013) made a similar argument in a speech at the University of Cape Town in June, 2013, when he contended that those in power who offer such judgments usually are attempting to 'distract' victims from their own violations of human rights.

With regard to advocacy efforts for human responsibilities, it is noteworthy that human rights violations are reported by UN delegates and human rights defenders, including Hammarberg (1998) and international human rights NGOs such as Human Rights Voices, to occur in a number of LMG states, whose delegates raised the issue of human responsibilities at the UNCHR in 2000 (UNCHR, 2000; HRV, 2013; US Department of State, 2012). For instance, Egypt, one of the

sponsors of the resolution, has experienced civil uprisings demanding so-called 'Western' human rights protection in recent years (Clapham, 1998; Landler, 2013).

Furthermore, in 1998 Hammarberg (1998) argued that the Cuban government had failed to 'cooperate' with SRs by disallowing one to visit Cuba. He argued, further, that Cuba had done its 'utmost' to dilute the DHRD, which was being drafted at the time (Hammarberg, 1998). The human rights situation in Cuba also was addressed by the UNCHR (2002b; 2005a) as an area of major concern during the time at which the issue of human responsibilities was on its agenda (UN, 2005). Therefore, LMG states, arguably, lacked 'credibility' when presenting the claim that the DHSR was intended to enhance human rights protection, which, in turn, provided credibility to the argument of Western governments that LMG states were seeking to divert attention from their state obligations (Busby, 2007:253; Giacomazzi, 2005:172; EU, 2004, 2005; Yishanat, 2004).

Furthermore, the SAHRDC argued in 2003 that UNCHR 'mechanisms' had encountered 'unprecedented' challenges during the ten-year period since the VWCHR, due to reported attempts by LMG states to 'weaken' such mechanisms (UNCHR, 2003c). Indeed, while affirming that some proponents of declarations of human responsibilities possibly fail to comprehend the degree to which such declarations, ultimately, would 'weaken' international human rights law, Knox (2008:35) notes the 'background' to the drafting of the DHSR as 'revealing' of the intentions of LMG states to weaken international human rights law. Indeed, the decision to appoint Martínez as UNSR was regarded as 'controversial' at the time, considering that Cuba, as an LMG state, had been one of the primary sponsors of the initiative since its emergence (Knox, 2008:35-36; UNCHR, 2002a:5, 2005a:36; UNHCHR, 2000a). Martínez, as a delegate at the UNCHR (2005a:37), had 'played' a persuasive 'role' both in the 'plenary' and during 'informal' discussions, despite being the author of the study on human rights and human responsibilities and of the DHSR, in his role as 'independent' UNSR of the Sub-Commission on the Promotion and Protection of Human Rights.

Considering that the 'positions' and reactions of 'authorities' and branches of government significantly 'influence' the 'strategies' and 'tactics' employed by campaigns advocating for an issue, and taking into account the role played by Robinson (1998a:120) in framing human responsibilities as a 'distraction' to human rights, the role played by an incumbent UNHCHR, arguably, is of particular significance in facilitating or constraining the development of a certain norm or international human rights standard (IAC, 1998; Meyer & Staggenborg, 1996:1650). Indeed, Brazilian diplomat Sérgio Vieira de Mello (1948–2003), who served as UNHCHR during the period between 2002 and 2003, devoted attention specifically to the importance of the rule of international law and, thus, would not have been a likely candidate to promote the development of the DHSR, as a document focusing on moral and ethical responsibilities ("UN High Commissioner for Human Rights", 2002). Indeed, while in office, de Mello stated that the 'overarching theme' of the work of the OHCHR would be to promote the 'rule of law', without which it would be impossible to maintain 'respect' for human rights, democracy and good governance ("UN High Commissioner for Human Rights", 2002). The dominant focus of de Mello on law enforcement, arguably, was a significant contextual factor favourable to challengers of transnational campaigns for human responsibilities.

A number of additional contextual factors may have served, further, to constrain the issue of human responsibilities at the UNCHR. While serving as the Special Representative of the UNSG to Iraq since May, 2003, de Mello and twenty-one of his colleagues were assassinated on August 19, 2003, in the Canal Hotel Bombing in Baghdad, Iraq, the 'bloodiest' UN-targeted attack in history (De Mello Foundation, 2013; UN Information Service, 2004). Following prominent terrorist attacks, including the attacks on the World Trade Centre on September 11, 2001, and the 2003 UN-targeted attack in Baghdad, the focus on the importance of the 'rule of law', arguably, gained increased attention (UN, 2005; UN Information Service, 2004).

Guyanese diplomat Bertrand Ramcharan (1943–) served as Acting UNHCHR from 2003 until July 1, 2004, when Canadian Louise Arbour (1947–) assumed office (UNCHR, 2004a; UN Information Service, 2004). During his short term in office,

Ramcharan focused on issues concerning human rights violations, such as human trafficking, terrorism and lacking law enforcement (UNCHR, 2004a; UN Information Service, 2004). When the IAC Declaration was proposed in the late 1990s, Ramcharan had addressed the issue of individuals' responsibilities in an article focusing on the 'universality of human rights', which was published by the ICJ in 1997 (UNCHR, 2002a:25). Arbour, who served as UNHCHR until August 31, 2008, when former South African jurist and incumbent UNHCHR Navanethem Pillay (1941–) assumed office, similarly emphasised the importance of the rule of international law. Such an emphasis on the rule of international law by prominent human rights activists, including high commissioners for human rights, arguably, served further to create a context favourable to initiatives challenging transnational campaigns for human responsibilities.

Furthermore, the reform of UN human rights machinery during the 2000s, particularly the replacement of the UNCHR by the UNHRC in 2006, arguably, has been a contextual factor favouring potential challengers to transnational campaigns for human responsibilities. In his address to the UNCHR on April 7, 2005, former UNSG Kofi Annan proposed the establishment of the UNHRC, which would be comprised of a smaller membership than that of the UNCHR and which was envisioned as a 'chamber of peer review', tasked with evaluating the fulfilment by all states of their obligations for human rights protection, thus reinforcing the universality and indivisibility of human rights (UN, 2005).

Considering the focus of the UNHRC on evaluating such obligations of states, the new human rights body, arguably, provides severely constrained political opportunities to initiatives advocating for human responsibilities, particularly to potential initiatives by LMG states, such as Cuba and China, which have poor human rights records and whose claims regarding human rights issues, therefore, resultantly tend to be regarded as less credible (UNCHR, 2002b, 2005a). Indeed, Western states, notably including the US, have tended to provide 'support' to NGOs, whose memberships comprise of 'exiled opponents' of the Cuban government, while opposing Cuban initiatives and NGOs supported by their government (Boström, 2011:9).

3.3.2. Focusing Events employed by Initiatives Challenging Transnational Campaigns for Human Responsibilities

A number of counter-campaigns to human responsibilities initiatives raised the 'public profile' and 'salience' of the issue by addressing it from their 'organisational platforms' at international conferences, symposiums and 'regularly scheduled' sessions and meetings (Busby, 2007:253; Finnemore & Sikkink, 1998:899). Indeed, it has been argued by a number of theorists that such events can serve to raise the profile of an issue and that the perspectives of prominent individuals can influence political and policy outcomes on the issue in question (Busby, 2007:253; Shawki, 2010:392-393). For instance, when Robinson (1998a:120), at a symposium in January, 1998, referred to the IAC Declaration as a 'distraction', the 'perceived' credibility of her words, as being raised by a prominent human rights defender, arguably, influenced the dominant discourse on the issue of human responsibilities (Busby, 2007:253).

In July, 1998, at a meeting held by the ICJ, Clapham (1998) addressed the issue of human responsibilities, while paying particular attention to the weaknesses of the IAC Declaration as conflating law and ethics and as focusing unnecessarily on the role of individual responsibility, rather than the necessary obligations of more powerful actors, including states as primary bearers of obligations for human rights protection, and multinational corporations as requiring more emphasis than individuals in discussions on responsibility for international human rights protection. In referring to the question of increased 'corporate responsibility', Clapham (1998) gave further prominence to an issue raised by Van Boven.

When the IAC proposed that the UNGA adopt the IAC Declaration at the 1998 session of the UNGA, in order to coincide with the fiftieth anniversary of its adoption of the UDHR, AI (1998:7) recommended, instead, that the UNGA adopt the DHRD, which had been in the process of being drafted since the mid-1980s. Thus, by taking advantage of the 'critical event' of the anniversary of the adoption of the UDHR, the IAC encouraged simultaneous 'counter-mobilisation' by AI members, who, in turn, took advantage of the opportunity highlighted by the IAC to refocus attention on the

DHRD (Meyer & Staggenborg, 1996:1638). Adopting 'parallel tactics' to those employed by the IAC and UNESCO, AI set an 'expiry date' or time limit on the adoption by the UNGA of the DHRD. The proposal made by AI was successful, and the DHRD was adopted by the UNGA (1998a) in the 'commemorative year' of the fiftieth anniversary of its adoption of the UDHR (HRF, 2013).

The 'regularly scheduled' sessions and meetings of the UNCHR and ECOSOC, also, provided opportunities for 'oppositional mobilisation' on the issue of human responsibilities (Busby, 2007:253; Meyer & Staggenborg, 1996:1635). Delegates representing member-states of the EU (2004, 2005) took advantage of the annually scheduled substantive sessions of ECOSOC to draw attention to the negative implications of the development of the DHR at the UNCHR (Busby, 2007:253). In this instance, the EU (2004, 2005) employed the 'structural' tactic of adopting conventional 'channels of influence' and appealing to the 'parent body' of the UNCHR to intervene in the affairs of the UNCHR (Shawki, 2010:384; Meyer & Staggenborg, 1996:1650).

3.3.3. Counter-Frames Challenging Transnational Campaigns for Human Responsibilities

In addition to the 'institutionally-oriented' tactics employed by initiatives challenging transnational campaigns for human responsibilities, 'extra-institutional' tactics, including the use of 'counter-frames', also, have been employed in order to provide alternative interpretations of the issue of human responsibilities (Meyer & Staggenborg, 1996:1650; Shawki, 2010:384). Opponents to the idea of human responsibilities framed the issue in a number of ways. For instance, Robinson (1998a:120) framed human responsibilities as a potential 'distraction' to human rights protection, arguing that, rather than to create an additional declaration, it was necessary to maintain a dominant 'focus' on the significance of the UDHR and related instruments of the international human rights legal framework.

AI (1998:1-5) framed human responsibilities as having the 'potential' to 'undermine' and 'weaken' the international human rights framework (Clapham, 1998; Knox, 2008:1-2). When the IAC Declaration was proposed, AI (1998:4) published an article, framing the introduction of the concept of human responsibilities as 'vague', unspecific, and 'ill-defined concepts', which 'weakened' the 'specifically' defined human rights under the UDHR. Arguing that the IAC Declaration 'understated' the UDHR, AI (1998:3, 6-7) used the opportunity to refocus attention on state obligations and the necessity of 'rule of law'.

Western states framed human responsibilities as having the potential to be exploited, or 'misused', by 'oppressive regimes' (Giacomazzi, 2005:172; IAC, 1998). They argued that governments raising objections to the universality of human rights, such as those of many Asian states and various LMG states, potentially could refer to the notion of human responsibilities as a 'substitute' for their state obligations for the fulfilment of the human rights of individuals within their jurisdictions (Giacomazzi, 2005:172; IAC, 1998). With regard to the human rights situations of LMG states, including China, Cuba and Egypt, this frame used by Western states, arguably, was fairly persuasive (Hammarberg, 1998; Landler, 2013).

The Western media framed human responsibilities as a potential 'infringement' on the right of the press to freedom of expression (Giacomazzi, 2005:173; IAC, 1998). Representatives of prominent news companies expressed concern about the 'freedom' of the media and about who would judge the extent to which their journalism was 'truthful' and 'accurate' (Giacomazzi, 2005:165; IAC, 1998). Moreover, as journalists, writing for prominent news companies, responded to the 'claims' of initiatives for human responsibilities by exploring the existence of 'opposing interests' to such claims, 'mass media coverage' served to increase the political opportunities for opponents through the publicising of claims countering those of proponents of human responsibilities (Gamson & Meyer, 1996:287-288; Koh, 1998; Meyer & Staggenborg, 1996:1641-1642).

In addition to the role played by 'mainstream media' in serving a 'mechanistic' function of providing a 'balanced' perspective, a similar role, arguably, has been

played by academics and international legal experts, including Van Boven, Knox and members of the Geneva-based International Council on Human Rights Policy (ICHRP), which originally was chaired by Hammarberg (1999:iv) and was founded in 1998 to conduct research into human rights-related issues (Clapham, 1998; Gamson & Meyer, 1996:287-288; Knox, 2008; Meyer & Staggenborg, 1996:1641-1642). In turn, these academics served to enhance the 'credibility' of 'counter-arguments' to the claims of proponents for human responsibilities (Busby, 2007:253).

At ECOSOC in 2004 and 2005, the delegates of the Netherlands and the UK, on behalf of the EU, framed human responsibilities as undermining the foundations of human rights (EU, 2004, 2005). European delegates expressed firm opposition to the DHSR on both substantive and procedural grounds (EU, 2004). Among the 'substantive' arguments raised were that it is 'inconsistent' with the fundamental concept of human rights for states to premise respect for individual human rights on their assessment of the satisfaction of individual responsibilities (EU, 2004, 2005). It was argued that the DHSR 'undermines' the principles of 'universality', 'inalienability', 'non-discrimination' and 'entitlement' without interference or qualification by a state outside that permitted under human rights treaties (EU, 2004, 2005).

The issue of human responsibilities typically had been framed in relation to human rights. The claims of proponents of human responsibilities sought to convince targeted audiences that the recognition of human responsibilities under international human rights law was necessary in order to enhance human rights protection. Clapham (1998) argues, however, that the issue is not 'conceptual' but 'one of emphasis'. Indeed, the UDHR does make mention of individual 'duties to the community', as do the International Covenants on Human Rights. However, the traditional 'approach' of international human rights law is to recognise states as the primary bearers of obligation for human rights protection (Clapham, 1998; Hammarberg, 1999:i). Thus, Clapham (1998) refocused attention on the importance of state obligations in fulfilling human rights protection, as did AI (1998).

Human responsibilities typically have been framed as 'extra-legal' in nature (Clapham, 1998; IAC, 1998; UNCHR, 2002a:9). The IAC (1998) and Martínez,

similarly, emphasised the 'moral' or 'ethical' duties and responsibilities of individuals (UNCHR, 2002a:9). The IAC (1998) argued that its declaration was conceptualised as a 'morally binding', rather than a 'legally binding' document. Opponents to this idea reframed human responsibilities as being 'inconsistent' with international human rights law, as confounding 'legal', 'ethical' and 'moral' duties and as conflating law with ethics and morality (Clapham, 1998; EU, 2004, 2005; Petrusek & Takahashi, 1999:13-14). AI (1998:4) argued that the IAC had introduced 'vague', 'ill-defined concepts' that had the potential to 'undermine' and 'weaken' universally recognised human rights. In their references to the establishment of the ICC in 1998, AI (1998:6-7), Robinson (1998b) and Clapham (1998), on behalf of the ICJ, commonly address the significance of enforcement of the 'rule of law' in the provision of human rights protection.

Finally, human responsibilities typically had been framed as serving to 'balance' human rights, by incorporating diverse cultural interpretations of human rights (IAC, 2013; UNCHR, 2005a:37). Opponents countered this cultural relativist claim as an evasion of state obligations, arguing that its adherents sought to 'substitute' state obligations for human rights protection with specific duties and responsibilities of individuals, which are 'inconsistent' with the necessarily undefined 'duties to the community' under the UDHR and the International Covenants on Human Rights (EU, 2004, 2005). Indeed, Knox (2008:34) contends that, rather than resulting from a misunderstanding of the 'role' of individual responsibility, the deliberate exclusion of individuals' duties from human rights standards emanated from a legitimate 'concern' that governments potentially could depend on such duties to constrain rights.

Reiterating the argument of Canadian human rights lawyer and academic Kathleen Mahoney (1947–), Knox (2008:34) argues that 'efforts' to 'balance' human rights with responsibilities, actually, would serve to disturb the 'existing balance', causing 'uncertainty' and 'confusion' pertaining to the 'meaning' of international human rights standards. It is argued that such 'efforts', also, would constrain rights, by allowing governments potentially to 'override rights', according to their 'interests', as attempted by the Soviet Union during the drafting of the UDHR, ultimately

‘undermining’ the international human rights framework (Knox, 2008:34-35). Thus, opponents to the claims of human responsibilities initiatives, arguably, were effective in providing ‘credible’ justifications for the legitimacy and universality of human rights under international human rights law (Busby, 2007:253; Clapham, 1998).

3.4. The Influence of Opposition on Transnational Campaigns for Human Responsibilities

The international political opportunity structure, arguably, has become ‘relatively closed’ to the issue of human responsibilities. This is suggested not only by the ‘relative decline’ of human responsibilities campaigns during the 2000s and 2010s, but also by the recent reactions by Western state and non-state actors to the drafting and adoption by the Association of Southeast Asian Nations (ASEAN) of the ASEAN Human Rights Declaration (AHRD), a regional human rights instrument giving particular attention to individuals’ responsibilities (ASEAN, 2012; Loy, 2012). There has been firm resistance from Western human rights defenders, members of the Western press and Western governments, such as the US, to the approach of AHRD to balance human rights with individual responsibilities (AI, 2012a, 2012b; Baer, 2012; FIDH, 2012a, 2012b; HRW, 2012; Nuland, 2012).

When the AHRD was adopted on November 19, 2012, Pillay, while welcoming the ‘renewed commitment’ of ASEAN leaders to ‘universal human rights norms’, had reiterated earlier concerns, regarding aspects of the AHRD containing ‘language’ that is inconsistent with international human rights standards, calling for a revision of the document (UN News Centre, 2012). At the time, Human Rights Watch (HRW) (2012) argued that the declaration ‘undermines’ international human rights standards, framing it as a statement of governmental authority masked as a ‘declaration of human rights’. Furthermore, Pillay, members of the press and prominent human rights NGOs, including HRW (2012), AI (2012a, 2012b) and the Fédération Internationale des Droits de l’Homme (International Federation of Human Rights), commonly expressed concern that members of civil society in the region had not been consulted or included in the drafting of the declaration (“ASEAN Leaders

Adopt Lame-Duck Rights Declaration”, 2012; Baer, 2012; FIDH, 2012a, 2012b; UN News Centre, 2012).

In attempting to explain the decreasing perceived political opportunities on the issue of human responsibilities and the resultant relative decline of transnational campaigns for human responsibilities since the mid-2000s, the significant impact of opposing initiatives to these campaigns should be recognised. The strategies and political outcomes of such opponents have affected the ability of human responsibilities campaigns to ‘survive’ and develop. Opposing initiatives, such as that of the EU (2004, 2005), used institutional tactics, as when in 2004 and 2005 the EU appealed to ECOSOC as the parent body of the UNCHR and, thus, a higher authority, to intervene to prevent the development of the DHSR.

Furthermore, prominent human rights activists, such as Robinson (1998a:120) and human rights organisations, including AI (1998, 2005:43) and the ICJ, used institutional tactics when they raised the negative implications of the issue of human responsibilities from the standpoints of established ‘organisational platforms’ (Finnemore & Sikkink, 1998:899). Opposing initiatives both to the IAC Declaration and to the DHSR made use of ‘regularly scheduled’ sessions and meetings to raise the issue by focusing on its negative implications (Busby, 2007:253; Clapham, 1998; EU, 2004, 2005; Robinson, 1998a:120). They also used ‘extra-institutional’ tactics, by offering alternative frames concerning the issue (Meyer & Staggenborg, 1996:1650; Shawki, 2010:384).

While the overarching objective of transnational campaigns for human responsibilities has been to see a universal declaration of human responsibilities adopted by the UNGA, the repeated ‘blocking’ of such attempts by opposing initiatives have created challenges for human responsibilities campaigns, which have been incapable of sustaining themselves indefinitely (Hertel, 2005:104). During the period between the late 1980s and the early 2000s, advocates for human responsibilities had ‘perceived’ a level of ‘permissiveness’ on the issue of human responsibilities (Busby, 2007:252; Meyer & Staggenborg, 1996:1636). However, after multiple setbacks, the perceived opportunities available to proponents of human

responsibilities, arguably, have lessened. Limited opportunities for 'institutional action' exist for human responsibilities campaigns, due to their specific target audience of the 'polarised' UNHRC membership, which comprises of a number of delegacies which persistently have opposed the issue (Meyer & Staggenborg, 1996:1646).

The political outcomes of opposing initiatives have affected the 'tactical' options available to human responsibilities campaigns (Meyer & Staggenborg, 1996:1651). While the effectiveness of such opposing initiatives threatens the interests of human responsibilities initiatives, and potentially could give them greater motivation to 'mobilise' action, defeats of transnational advocacy efforts for human responsibilities have not opened opportunities for 'counter-tactics' (Meyer & Staggenborg, 1996:1645). The opposing initiatives of AI (1998) and the EU (2005), as well as the influence of the UNHCHR and the intervention by ECOSOC in the affairs of the UNCHR, arguably, altered the political opportunity structure, by limiting the opportunities available to human responsibilities campaigns.

Although it is in the interest of campaigns, advocating for the adoption by the UNGA of a universal declaration of human responsibilities, to continue to lobby their preferred 'strategic targets' of relevant UN bodies, thus employing 'direct means' of influencing policy, derived from their 'socially-constructed' assessments of their 'resources' and of their socio-political positions, they have been compelled by their opponents to move to venues in which their opponents have greater potential for success (Meyer & Staggenborg, 1996:1647-1648). For instance, when delegates representing the EU (2005) appealed to ECOSOC in the mid-2000s, proponents of the DHR were forced to move to the arena of ECOSOC, where EU delegates were making progress, thus constraining the opportunities available to LMG delegates.

As EU delegates, in 2005, were successful in impeding the development of a UN declaration on human responsibilities, transnational campaigns for human responsibilities, since, have tended to focus on alternative venues, offering greater perceived opportunities (Meyer & Staggenborg, 1996:1648-1649). Human responsibilities initiatives, also, have encountered limits specific to various venues,

for instance, the institutional 'requirements' and procedures of the UN system and its various bodies, including ECOSOC and the UNCHR. At these forums, decisions and resolutions are adopted by vote, thus limiting the opportunities available to initiatives advocating for human responsibilities. Opponents to human responsibilities initiatives have taken advantage of 'divisions' within the polarised memberships of UN bodies, such as the UNCHR and ECOSOC, by operating in 'favourable' venues and targeting 'sympathetic elites' (Meyer & Staggenborg, 1996:1650-1651).

The following section seeks to portray the influence of counter-campaigns on the decline of transnational campaigns for human responsibilities, during the 2000s and 2010s. The reactions of human responsibilities initiatives have reflected a perception of declining political opportunity on the issue of human responsibilities. Due to closing opportunities, both structural and perceived, proponents of human responsibilities have been forced to modify their objectives, and the issue of human responsibilities, to an extent, has lost salience and prominence on the agendas of targeted audiences.

3.4.1. Reactions of Advocates for Human Responsibilities to their Opponents

Following widespread opposition to the IAC Declaration from Western state and non-state actors, the IAC responded primarily by defending the document, claiming that it was intended to supplement and complement the UDHR, rather than to weaken or undermine it. Amidst such opposition, members of the IAC considered how, further, to advocate and mediate for human responsibilities. Seeking further to educate target audiences about the idea, members of the IAC (1998) considered feasible strategies for further publicising the declaration at the 1998 'Steering Meeting' (Giacomazzi, 2005:164-165; Hovey, 1997:214).

The IAC (1998) sought to educate members of the Western press about the issue of human responsibilities and to facilitate agreement among disputants (Hovey, 1997:214). The IAC (1998) responded to the press by acknowledging the legitimacy of their 'concerns' and decided, accordingly, to 'revise' several sections of the IAC

Declaration, which had placed limits on the freedom of the press (Giacomazzi, 2005:173). It was decided that a 'cover sentence' should be provided on 'ethical impulse' in order to clarify that the IAC Declaration was intended as a 'moral appeal' and concerned matters of 'conscience' and 'ethical behaviour', rather than of 'imposed obligations', and that Article 14 would be redrafted clearly to state that members of the press would judge whether they are being responsible (IAC, 1998). It was argued that it should be clarified that members of 'professions' would remain responsible for the establishment of their own 'appropriate ethical codes', reflecting the 'prioritisation' of 'general standards', concerning such values as 'truthfulness' and 'fairness' (IAC, 1998).

Taking advantage of sympathetic partners and allies, members of the IAC (1998) decided that former Finnish PM Taisto Kalevi Sorsa (1930–2004) would represent the IAC at the 'Forty-Seventh Annual Meeting of the International Press Institute' in Moscow toward the end of May, 1998, in order to liaise with relevant 'journalists'. Seeking to facilitate agreement between disputants, members of the IAC (1998) proposed a 'discussion' with a wide range of representatives of the press, particularly with the WFPC (Hovey, 1997:216-217). It was argued, further, that it would be beneficial to consult with organisations with independent 'committees on press responsibility' and ethics, such as the Newspaper Association of America and the Associated Press Managing Editors' Association, in order to determine their perspectives on the issue of human responsibilities (IAC, 1998). Furthermore, members of the IAC (1998) decided to arrange meetings with media groups, particularly those who had 'expressed concern', in order to explain their intentions behind the IAC Declaration, as well as to propose various amendments to the document.

Following opposition by Western states and human rights organisations, including AI, to the proposed DHSR, LMG states, particularly China, reacted to their opposition by refocusing the contentious issue of human responsibilities on the alleged 'double standards' of their opponents (EU, 2004; Yishanat, 2004). Chinese delegate Zhang Yishanat (2004), on behalf of the LMG, contended that attempts, particularly of delegates representing the EU (2004), to prevent the OHCHR from

reporting on other delegates' views on the DHSR reflected the self-interested behaviour and 'double standards' of such Western states, with regard to their promotion of human rights, particularly the right to free expression (UNCHR, 2004a; 2005a).

At the UNCHR, in 2004, a number of LMG states, including Cuba and various other Islamic, African and Asian states, had contended that Western democracies tended to politicise their 'criticisms' of other states' 'human rights performances' and that they were more inclined to confront states on such matters, rather than to engage in 'dialogue' and 'cooperation' (UN Information Service, 2004). The claim made by Yishanat (2004) in 2004 was a reiteration of similar claims previously made by various delegates representing LMG states at the UN, such as that offered by Mahbubani at the Fifty-Third Session of the UNGA, regarding the 'double standards' of Western states in matters pertaining to human rights (UNGA, 1998b). Thus, the framing by Yishanat of the EU (2004) as reflecting 'double standards' in its delegacies' attempts to 'block' deliberations on the DHSR, 'resonated' with previous claims regarding Western states' stance on human rights and, arguably, was effective in limiting such efforts of the EU (Hertel, 2005:104; Yishanat, 2004).

Arguably, the efforts by delegates representing the EU (2004, 2005) to 'block' further deliberations on the issue of human responsibilities were more successful at the 2005 Annual Substantive Session of ECOSOC (2004) than they were the previous year, because the focus was on the issue of either continuing or discontinuing the study on human rights and human responsibilities, rather than on the issue of whether or not the OHCHR should compile opinions on the DHSR (Hertel, 2005:104; UNCHR, 2004a, 2005a, 2005b). When the EU (2004, 2005) attempted to 'block' the OHCHR from inquiring into other delegates' views on the DHSR in 2004, Yishanat had taken the opportunity to accuse the EU of seeking to violate other delegates' right to free expression (ECOSOC, 2004; UNCHR, 2005b; Yishanat, 2004). However, in 2005 the focus directly was placed on the subject of human responsibilities and whether the study on human rights and human responsibilities should be continued (EU, 2005). Thus, the LMG, arguably, had fewer perceived political opportunities to accuse the EU (2005) of having 'double

standards' and of seeking to 'undermine' the rights of other delegates (Yishanat, 2004).

3.4.2. The Modified Objectives of Transnational Campaigns for Human Responsibilities

When there was firm opposition to the IAC Declaration from Western state and non-state actors, the IAC (1998) began to 'modify' its 'immediate objectives' and discussed possible routes of procedure and available tactics and strategies, including a 'revision' of the declaration. While there was still a perception of opportunity and 'openness' on the issue of human responsibilities at the 1998 'Steering Meeting', the immediate objective of having the declaration presented to the UNGA for adoption on the fiftieth anniversary of its adoption of the UDHR was 'modified' to proposing that it should be 'discussed' by the UNGA (Giacomazzi, 2005:164-165; IAC, 1998). Since the Western support necessary for the adoption of the declaration within the year of 1998 was unlikely, the IAC (1998) suggested that it should be introduced by a group of 'appropriate' states, which could refer it to the UNGA at a more suitable time. Acknowledging the parallel advocacy efforts of various independent human responsibilities initiatives, including those of the ICHD and UNESCO, members of the IAC (1998) and of the CR have recognised the potential mutual advantages of 'coordinated action', as the 'attention' of targeted audiences could be diverted by too many advocates (Suter, 2012:50).

However, following the unsuccessful efforts of LMG delegates to lobby for the development of a UN declaration on human responsibilities, the issue arguably has developed a perception of being relatively 'closed'. Delegacies representing the LMG at the UN, arguably, no longer have a perception of perceived opportunity with regard to the promotion of the DHSR. The dominant perspective at the UNHRC concerning the issue of human responsibilities, arguably, is one of opposition to the adoption by the UNGA of such a declaration. Furthermore, following the passing away in 2010 of Martínez, as author of the study on human rights and human responsibilities and of the DHSR, the LMG since has lacked a 'political', or 'norm',

‘entrepreneur’, who would be willing to advocate persistently for human responsibilities at the UNHRC (Carpenter, 2007:114).

3.4.3. Shifting Arenas of Collective Action for Proponents of Human Responsibilities

At the 1998 ‘Steering Meeting’, the IAC (1998) decided to continue to lobby the UN, but, also, to seek additional sources of support for the IAC Declaration, by initiating discussions in multiple arenas, including ‘foreign affairs’ sectors, ‘scientific’ and academic arenas and prominent national news companies. As the IAC (1998) had encountered political and policy ‘setbacks’ at its targeted collective action venue of the UN, IAC members, seeking to ‘innovate tactically’, ‘shifted’ their attention to alternative venues, selecting those reflective of their ‘ideologies’ and ‘resources’ and according to ‘perceived’ opportunities and ‘advantages’ in various ‘social’ or ‘political institutions’ (Meyer & Staggenborg, 1996:1647-1648, 1651).

Seeking Western support, members of the IAC (1998, 2000), in March, 1998, considered the possibility of arranging to meet with the Universities of Oxford and Harvard and, since then, have advocated for human responsibilities at a number of ‘prominent Western universities’ (Giacomazzi, 2005:164). At a seminar on enlightened leadership and human responsibility on May 10-11, 2000, at the University of Harvard, members of the IAC (2000), including Schmidt, noted their continued efforts toward promoting the IAC Declaration. Five years later, at the ‘Human Rights and Human Responsibilities Symposium’ at the Santa Clara University School of Law on April 1, 2005, Mia Giacomazzi (2005:164) presented a paper on the ‘necessary balance’ between human rights and human responsibilities, focusing primarily on the initiative of the IAC. At the time, Giacomazzi (2005) made no mention of and seemed unaware of the efforts by LMG delegates to mediate for such a declaration at the UNCHR during the temporal period at which the symposium took place. Indeed, unless an active ‘decision’ was made to publicise a particular issue being debated at the UNCHR, such deliberations remained concealed (Alvarez, 2005:436).

The IAC Declaration was adopted by the PWR in 2010 and by a number of additional organisations, while a number of members of the IAC (2005), including some of its drafters, continue to promote the ideals presented within it (Suter, 2012:49; Swidler, 2007). Continuing to advocate for human responsibilities, Küng established the 'Global Ethic Foundation' at the University of Tübingen and continues to recommend the establishment of global ethical standards through his lectures and the website of the Foundation (Suter, 2012:49). Furthermore, Swidler (2007) authored an article, which was published in 2007, on the need for a 'universal declaration of a global ethic', based on the UDHR. Suter (2012:51), a member of the CR, also, has given 'public presentations' in Western states on the need for a declaration of human responsibilities and, recently, has authored an article on the development of human responsibilities initiatives.

3.5. Conclusion

This chapter has proposed that the issue of human responsibilities is under intense pressure from influential Western governments and prominent members of Western civil society, actors comprising the key targeted audiences of transnational campaigns for human responsibilities. The ongoing potential for 'counter-mobilisation' by such state and non-state actors poses ongoing challenges to transnational campaigns for human responsibilities, most notably involving the forced requirement for such initiatives to make use of collective action venues other than the UN, thus compelling them to modify their primary objective of seeing a universal declaration of human responsibilities adopted by the UNGA.

Chapter 4

Conclusion

4.1. Summary and Conclusions

Given the volatile nature of ongoing conflicts over values during deliberations on international standard-setting, this dissertation has not sought to arrive at conclusive answers regarding the potential for the creation of international standards on human responsibilities, but to emphasise the contextual factors, both structural and non-structural, that previously have had, and likely will continue to have, a significant influence on the efforts of transnational campaigns for human responsibilities. Indeed, 'structural' aspects of the international political opportunity structure, including institutional access and procedures and the potential for 'counter-mobilisation' on the issue of human responsibilities, as well as 'non-structural' contextual factors, such as diverse values, beliefs, ideas and political alignment over such ideas, collectively aid in explaining the available opportunities, both structural and perceived, and strategies and tactics employed by human responsibilities campaigns. Such factors serve to shed light, also, on the political and policy outcomes of such campaigns.

Given the traditional approach of international human rights law to assign legally the primary obligations for human rights protection to states, it is unlikely that a universal declaration of human responsibilities, which assigns moral or ethical duties and responsibilities to individuals, will be adopted by the UN. While advocates for human responsibilities likely will continue to pursue their goals, it is probable that they will continue to do so in alternative collective action venues, as political opportunities on the issue at the targeted venue of the UN likely will continue to diminish, following the continuing development of persuasive arguments regarding human responsibilities, raised by prominent and influential Western state and non-state actors, notably including human rights NGOs, such as AI and the ICJ.

A significant finding of this dissertation is that many of the same actors have been involved in countering initiatives for human responsibilities, and such

opposition generally has been initiated on similar grounds. Indeed, the delegates and human rights NGO observers involved in the drafting of the DHRD and the ensuing debate in 1993 also were involved in opposing and obstructing the development and adoption of the IAC Declaration, the DHSR and, most recently, the AHRD (AI, 1998, 2005, 2012a, 2012b; EU, 2004, 2005; UNCHR, 1993). Reactions by Western governments, such as the US, the Western press, the UNHCHR and prominent international human rights organisations, including AI and HRW, to the approach taken by the AHRD to balance human rights with individual responsibilities commonly suggest that the international political opportunity structure remains 'relatively closed' to the issue of human responsibilities (AI, 2012a, 2012b; Baer, 2012; Nuland, 2012). This dissertation, therefore, predicts that there will be continued challenges and constraints to transnational campaigns for human responsibilities.

4.2. Suggestions for Further Research

Reiterating the argument of a number of critics on the literature on social movements and norm evolution, there is a need for additional research on transnational campaigns that 'target' not only 'states' but also 'global institutions' (Hawkins, 1999:121; Moghadam, 2000:724). Indeed, the targets of advocacy efforts by advocates for human responsibilities, simultaneously, have been national governments and the various bodies and agencies of the globalised institution of the UN, particularly UNESCO, the UNCHR and ECOSOC. While a number of authors, including Hovey (1997), as well as Chapman and Ramsay (2011), have conducted studies on initiatives at UN bodies, including the UNCHR, theory regarding such cases, arguably, is underdeveloped. With regard to the facilitating and constraining factors affecting the development of international standards on human responsibilities, it would be helpful to compare both structural and non-structural aspects of the political opportunity structure of the UNHRC with that of its predecessor, the UNCHR.

Furthermore, another common critique on social movement and norm evolution theories worth noting is their general neglect of 'unsuccessful' cases of transnational advocacy efforts (Carpenter, 2007:117; Keck & Sikkink, 1998:39-40; Hawkins, 1999:121). Indeed, there is a need for research on both positive and 'negative' political 'outcomes' of advocacy and mediation efforts for human responsibilities (Hawkins, 1999:121). Considering the relevance of particular contextual factors in constraining the activities and outcomes of transnational campaigns for human responsibilities, theories providing explanations for policy outcomes could be enhanced by offering a more lateral approach that takes into account a broad range of issues, rather than to focus exclusively on more straightforward factors explaining successful cases.

Considering that agency plays a significant role in influencing the availability of institutional access, perceived opportunities, strategies, tactics and political outcomes, it also would be beneficial to conduct further research into the identities of UN delegates and experts, including incumbent high commissioners for human rights and delegates at the UNHRC, with particular regard to the influence of such roles and identities on international standard-setting (Busby, 2007:254; Carpenter, 2007:117; Lind, & Stepan-Norris, 2011; Meyer & Staggenborg, 2007:3). Inquiry into the identities of human rights defenders and other significant 'policy gatekeepers', such as UN officials including the UNSG and the UNHCHR, as well as relevant members of prominent international human rights organisations, also, should provide informative findings regarding outcomes of human rights-related policy in additional cases (Busby, 2007:254-255; Carpenter, 2007:114-115; Fukuda-Parr & Hulme, 2011:17).

Furthermore, as the primary promoters of the IAC Declaration, as well as former UNHCHR Robinson, were former heads of government, it, arguably, is essential, also, to explore the effects of the historical backgrounds of relevant actors on their agency in advocating for or against a particular transnational campaign. Furthermore, as the contextual factor of poor human rights records of various LMG states effectively constrained the political opportunities available to proponents of the DHSR, including such key 'political entrepreneurs' as Martínez, it seems necessary

to consider the political contexts of delegates at the UNHRC as relevant in explaining policy outcomes.

Finally, a finding of this study has been that, in addition to the role of the mass media in encouraging the emergence of opposing initiatives, as journalists focused on opposing 'interests' in response to the claims of transnational campaigns for human responsibilities, leading academics and experts tended to play a similar role (Clapham, 1998; Gamson & Meyer, 1996:287-288; Knox, 2008; Meyer & Staggenborg, 1996:1641-1642). Indeed, a number of theorists have noted the significant role played by 'epistemic communities', comprised of specialised 'experts', the press and 'religious figures', in enhancing the 'credibility' of a particular campaign's efforts (Busby, 2007:253). Thus, a potentially insightful path of research could be to study additional cases in which the role of prominent or influential academics or experts was significant in seeking out and advocating for opposing interests in response to the claims of transnational campaigns. As similar cases of successful 'counter-campaigning' with regard to human rights issues, imaginably, would occur intermittently within the bodies and specialised agencies of the UN, particularly the UNHRC and ECOSOC, inquiry into such cases would add value to the theoretical literature on intergovernmental political opportunity structures, while providing useful insights for transnational campaigns.

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